

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**MISC. LAND APPLICATION NO. 58 OF 2019**

(Arising from Land Appeal No. 22 of 2018)

**CATHERINE WILBROAD MAKATA..... APPLICANT**

**VERSUS**

**CHRISTOPHER JOHN MAKATA.....1<sup>ST</sup> RESPONDENT**

**CLAUDIA SAMWEL NGOWI.....2<sup>ND</sup> RESPONDENT**

**RULING**

**EBRAHIM, J.**

Counsel for the second respondent has raised an objection that the affidavit in support of application contravenes the provision of **section 7 of the Notaries Public and Commissioner for Oaths Act, Cap. 12 R.E. 2002** as the person who drew the affidavit is the same one who attested it. Counsel for the applicant conceded to the defect.

Indeed this court cannot allow amendment of an invalid affidavit. Accordingly I struck-out the application with costs for being supported with an invalid affidavit.



**R. A. Ebrahim**

**JUDGE**

**26/02/2019**