

**IN THE HIGH COURT OF THE UNITED REPUBLIC TANZANIA**

**(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**CIVIL REFERENCE NO. 19 OF 2019**

(Originating from Matrimonial Cause No. 7 of 2016. The order on execution of Assessment of Maintenance Costs) which was made on 19/09/2019 by Hon. J. J. Mukho, PRM)

**WAZIRI YUSUPH GONGA.....APPLICANT**

**VERSUS**

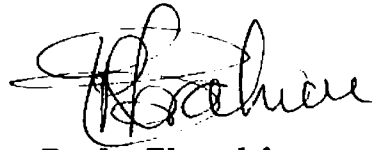
**FATUMA RAJAB MWABA.....RESPONDENT**

**RULING**

**EBRAHIM, J.**

Indeed the law applied in moving the court to determine the prayers by the applicant is wrong. The law i.e. Section 77 and Order 41 (1) (2) (3) and (4) of Cap. 33. The reference referred to by the applicant in this application as correctly observed by the counsel for the respondent applies where there is uncertainty of the usage or question of law that requires the direction or interpretation by the High Court. In the circumstances therefore and since the respondents counsel has already raised the objection, I

struck out the application and accordingly avail the applicant 14 days from to the date of this ruling to refile a proper application I give no order as to costs.

A handwritten signature in black ink, appearing to read 'R. A. Ebrahim', written in a cursive style.

**R. A. Ebrahim**

**JUDGE**

**25/03/2020**