

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

DISTRICT REGISTRY

AT TABORA

CIVIL CASE NO. 6 OF 2021

THE CHAIRMAN (UMOJA WA VIBANDA VYA BIASHARA

SOKO LA KATI – IGUNGA MJINI..... PLAINTIFF

VERSUS

THE IGUNGA DISTRICT COUNCIL

THE ATTORNEY GENERAL

}
}

.....DEFENDANTS

RULING

Date: 12/07/2022 & 12/7/2022

BAHATI SALEMA J.:

On 30/11/2021 the counsel for the plaintiffs, Mr. Jacob Somi, filed this instant application seeking judgment and decree against the defendants among other things to compensate the plaintiff and his colleagues to the tune of TZS 342,200,000/= only for breach of the tenancy agreement, which was to last up to 30th June 2022, to pay

interest on the principal sum at bank rate from February 2020 till the date of execution of the court orders.

Upon being served with the application, the respondent raised a preliminary objection to the effect that the application was incompetent and ought to be dismissed on the following grounds;

1. The suit is untenable for being time-barred;
2. The plaintiff has no **locus standi in judicio** to sue the defendants;
3. The plaint is bad in law for contravening provisions of Order VI Rule 1(a) of the Civil Procedure Code, Cap. 33 [R.E 2019].
4. The verification clause is defective for failure to comply with the provisions of Order VI Rule 15 of the Civil Procedure Code, Cap.33 [R.E 2019].
5. The honourable court lacks jurisdiction to entertain this suit in that the plaintiff never issued a statutory 90 day notice before the institution of the same.

As it has been the practice of the Court, before I could deal with the application, I had to dispose of the preliminary objection raised first. I, therefore, invited the parties to address the court on the preliminary objection.

The plaintiff was represented by Mr. Musa Khasim, holding in brief Mr. Somi, learned counsel whereas Mr. Lameck Merumba represented the defendants.

At the outset, the counsel for the plaintiff conceded to the second, third, fourth, and fifth objections save for the first objection, which was in respect of time-barred.

Replying, the counsel for the defendants had no objection to that since the plaintiff had conceded to other objections.

Having heard from both parties and saving the court's time as the parties have conceded to the 2, 3, 4 and 5 objections raised, this matter is hereby struck out save for the 1st preliminary objection.

No order as to costs.

Order accordingly.



A. BAHATI SALEMA

JUDGE

12/7/2022

