"ORIGINAL"

IN THE HIGH COURT OF TANZANIA
TANGA DISTRICT REGISTRY
AT TANGA

MISC. CIVIL APPLICATION NO. 38 OF 2021
(ARISING FROM HIGH COURT OF TANGA, MISC. CIVIL APPEAL NO. 14 OF 2021)

JUMAA ABASI..... APPLICANT

VERSUS

HAWA ABUU SEIF.....RESPONDENT

RULING ON PRELIMINARY OBJECTION

Date of RULING- 17/02/2022

Mansoor, J:

The Applicant filed an application for extension of time to file an application for setting aside the dismissal order made in Misc. Civil Appeal No. 14 of 2021. The dismissal order was passed by Honourable Judge Ubena J Agatho on 2nd August 2021. The application was made under Section 14 (1) of the Law of Limitation Act, Cap 89 R: E 2002.

Along with filing the counter affidavit to oppose the application, the respondent took an objection on the competency of the application stating that the court was wrongly moved. That the application is defective for citing the wrong provision of the law.

The objection taken was determined by written submissions. I read the submissions of the respondent but could not actually understand, she said, and I quote:

> "It is brought under section 14 (1) of the Law of Limitation Act, Cap 89 R: E 2002, however, the cited provision of the law is inapplicable. The reason is not far reaching. It has been revised under the Law of Limitation Act, Cap 89 R: E 2019. Under such score, the instant application is incompetent, and therefore this Hon. Court is not properly moved to solidify the prayers sought."

I suppose, the respondent wanted to argue that the Law of Limitation Act was not revised in 2002 but in 2019 but nothing was brought forward in her arguments to substantiate her stand. The applicant made his reply to submissions as if he cited the Revised Edition of 2019 and forgot or ignored that he has cited the Revised Edition of 2002.

The Law of Limitation Act was Revised in 2002 and the Revised Edition of 2002 included or incorporated all the amendments made to Cap 89 up to and including 31st July 2002 and was printed in JUTA of 2002 under the authority of section 1 of the Laws Revision Act, No. 7 of 1994 (Chapter 4 of the Revised Edition, 2002.)

Again, under section 20 of the Interpretation of Laws Act, the Act may be cited by the name of the Statute or by the number and year of the Act or by the Chapter Number and Edition, and thus the Citation in the Chamber Summons mentioned the

Correct Revised Edition, the name of the Statute was cited and that was a proper citation.

Section 20 of the Interpretation of Laws Act reads:

Section 20: In any Act a description or citation of a portion of Words to be included in portion of another Act, shall, unless the contrary intention appears, be citation of construed as including the word, section, or other part, mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation."

The Interpretation of Laws Act, Cap 1 allows the Court to interpret the statutes by employing the aid to statutory interpretation and provided the citation by a short title to statutes which the Act can only be cited by its name, and long title. The Interpretation of Laws Act has given the two types of citation of the statutes for purposes of reference and

identification and to give the general description about the object of the Act or Statutes, The Applicant has opted to cite the short title in the Chamber summons, which is the name of the Statutes, and has also cited the year in which it was Revised. The Law of Limitation Act was revised in the year 2002, and there was no wrong citation of the law. The Counsels are argued to make thorough research before raising frivolous objections which wastes the time and resources of the Court.

As a result of the above the preliminary objection raised by the respondent being hopelessly unmeritorious, it is hereby overruled, with costs.

DATED at TANGA this 17TH day of FEBRUARY 2022

THE HIGH COURT OF TANZANIA

L. MANSOOR

JUDGE

17TH FEBRUARY 2022