

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA
AT SHINYANGA

CIVIL REVIEW NO. 4 OF 2022

(Originating from High Court in Miscellaneous Civil Application No. 12/2020)

DANIEL ZENGO APPLICANT

VERSUS

**SHINYANGA URBAN WATER
SUPPLY AND SANITATION
AUTHORITY & ANOTHER**

RESPONDENTS

RULING

24 March, 2022

A. MATUMA, J.

I agree with the learned State Attorney Mr. George Kalenda that this application is hopelessly time barred.

According to part III item 3 of the schedule to the law of Limitation Act, Cap. 89 R.E 2019 and section 3 thereof, time limitation for review is 30 days. This application in its clear words as per memorandum of review seeks to review the ruling which was delivered on 19/11/2021. In that respect any review thereof ought to have been brought within 30 days therefrom. But this application was filed in this court on 05/01/2022 which is almost 47 days. Mr. Frank Samwel learned advocate stated that the filing was on 6th January, 2022. Be it 5th or 6th; the application was out of the 30 days from the date of the impugned ruling.

On the other hand, the learned advocate for the applicant argued that the Drawn order was issued to them on 15th December, 2021 and the time should count from there in terms of section 19 (2) of the law of Limitation Act supra. I have considered the arguments of both parties and there is no doubt that counting from the date of the ruling to the date when this application was filed, it is over and above 40 days.

Time requisite for obtaining the proceedings, judgment, decree or order is excluded only when there is proof that they were delayed to be supplied to either party. Such time is not excluded when the documents are ready for collection but the parties are reluctant to collect them from the registry.

In this matter, I have asked the learned advocate for the applicant on whether he has any proof that they applied for the ruling and Drawn Order but delayed to be supplied, he had no evidence. The drawn order in its own words was extracted on 19/11/2021. In the absence of any evidence that the applicant applied to be supplied but was not given in time, the presumption is that such order was ready for collection since 19/11/2021.

I therefore find this application to have been lodged out of time, and accordingly dismiss it.

No orders as to costs.

It is so ordered.



A. MATUMA
Judge
24/03/2022