

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE DISTRICT REGISTRY OF ARUSHA  
AT ARUSHA**

**MISC. LAND APPLICATION CASE NO. 99 OF 2020**

(C/F Misc. land Application No. 171 of 2016, Land Appeal No. 38 of 2014 and Misc. land case No. 78 of 2019 of the High Court of United Republic of Tanzania, Arusha District Registry)

**MKEKU SAMWEL SILAHA.....APPLICANT**

**VERSUS**

**JOHN SABAS MSAKI..... RESPONDENT**

**RULING**

21.03.2022 & 29.03.2022

**N.R. MWASEBA, J.**

This application is made under the provision of Section 96 and 97 of the Civil Procedure Code CAP 33 R.E 2019. The applicant herein prays that this honourable court be pleased to amend the ruling, proceedings, and drawn order of Miscellaneous Land Application No. 171 of 2016 of the High Court of the United Republic of Tanzania which reads as Land Application No. 98 of 2017 delivered on 28<sup>th</sup> August 2018 before Hon. Opiyo, Judge to read Miscellaneous Land Application No. 171 of 2016. The application was supported by the sworn affidavit of the applicant himself.

In this application the applicant enjoyed the legal service of **Mr. Richard Manyota**, learned counsel while **Ms. Sara Severini Lawena** learned counsel represented the respondent.

When the application was called for hearing on 21<sup>st</sup> day of March, 2022, Ms Lawena learned counsel for the respondent informed the court that, they have not filed any reply to the application because they found that it was right for the correction to be effected. So, they have no objection regarding the prayer sought by the applicant.

Mr Manyota learned counsel for the applicant had nothing to submit on his application as it was not contested. So, he prayed for the ruling date.

After having a brief submission from both sides and going through the pleadings the issue is whether this application is meritorious.

Pursuant to the prayer of the applicant herein, the applicant implores this court to correct the ruling, proceedings and drawn order of Misc. land Application No. 171 of 2016 of the High Court of the United Republic of Tanzania which incorrectly reads as Land Application No. 98 of 2017. This prayer has not been objected.

**Section 96 of the Civil Procedure Code** (Supra) states that:

*"Clerical or arithmetical mistakes in judgments, decrees or orders, or errors arising therein from any accidental slip or omission may, at any time, be corrected by the court either of its own motion or on the application of any of the parties."*

The same provision was clarified in the case of **Jewels & Antiques (T) Ltd v National Shipping Agencies Co. Ltd** [1994] TLR No. 107 that,

*"...clerical and arithmetical mistakes may be corrected at any time; applications to correct the same, therefore, are not subject to any limitation of time;"*

Being guided by the above provision and the decision of the Court of Appeal, I hereby grant the application as prayed. Thus, the Ruling, proceedings and Drawn Order which were incorrectly cited as Land Application No. 98 of 2017 delivered on 28<sup>th</sup> August, 2018 should be read as Miscellaneous Land Application No. 171 of 2016.

Ordered accordingly.

**DATED** at **ARUSHA** this 29<sup>th</sup> day of March, 2022.



*N.R. Mwaseba*  
**N.R. MWASEBA**

**JUDGE**

**29.03.2022**