

**IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)**

AT DAR ES SALAAM

MISC.CIVIL APPLICATIONN CASE NO. 47 OF 2020

**(Originating from Civil Appeal No. 95 of 2017 of which resulted from
Matrimonial cause No.9 of 2017 of Kinondoni District Court)**

CONSTANCIA ANDERSON PAMAAPPLICANT

VERSUS

JOHANES BAGENZIRESPONDENT

PROCEEDINGS

26/5/2022

Coram: Hon. A. R. Mruma,J

For the Applicant: Present in person.

For the Respondent: Ms Zaina Mshana adv for Mr. Wilson Magoti,

advocate for Respondent

Cc: Delphina

Court:

This matter was initially assigned to any broker in bench, Hon. Rwizile J, following his transfer to another station it was been re- assigned to me.

A. R. Mruma

Judge

26/5/2022

Ms. Zaina Mshana:

There is a Preliminary Objection raised by the Respondent. There was a ruling pending before Rwizile J. we filed our submissions in support of the said Preliminary Objection. The Appellant didn't. We pray for directions of the court.

A. R. Mruma

Judge

26/5/2022

RULING

I have perused the records in this application and the submission in support of the preliminary objection raised by the Respondent which is to the effect that the Application is time barred.

The records show that the Applicant's appeal was dismissed by this court (Mutungi,J) on 12th December 2019 and the present application to set aside the dismissal order was presented for filing on 25th January 2020 a period of 44 days after the dismissal. Item 4 of the Schedule to the Law of Limitation Act [cap 89 RE 2019] provides that the period of Limitation for filing an application to set aside a dismissal order is 30 days. They by filing it after 44 days, the application was time barred. Accordingly and in accordance with the requirements of Section 3(1) (a) of the Law of Limitation Act, Miscellaneous Application No.47 of 2020 is dismissed with costs.




A. R. Mruma

Judge

26/5/2022