



THE JUDICIARY OF TANZANIA
IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA AT SONGEEA
(CORAM: HON. UPENDO MADEHA)

MISCELLANEOUS LAND APPLICATION NO. 000002168 OF 2024

**WIDFRED D. MWANGA COMPLAINANT / APPELLANT / APPLICANT /
PLAINTIFF**

VERSUS

**MANAGING DIRECTOR NSSF (NATIONAL SOCIAL SECURITY FUND)
RESPONDENT / DEFENDANT**

RULING

Fly Notes

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Facts

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Ratio Decidendi

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3rd of June 2024

Hon. MADEHA.:

It is worth considering the fact that, the Applicant through chamber summons, filed this application praying for the rectification of clerical errors on the proceedings and drawn order issued by this Court on 25th day February, 2014. The application is made under section 96 of the *Civil Procedure Code* (Cap. 33, R. E. 2019). The clerical errors which the Applicant is seeking for this Court to rectify are indicated in the affidavit sworn in support of the application and they are as follows; one, that in the proceedings dated February 25, 2014, at page one the title of the case, where the applicant has been described as the Defendant instead of the Plaintiff. Also, in the same proceedings, at page three, in the second paragraph, the eighth line, it has been recorded that: "... matter and WSD has been filed," instead of "WSD has not been filed." (b) In the drawn order dated February 25th, 2014, in the title of the case, it has been recorded as "LAND CASE NO. 5 OF 2014, instead of "LAND CASE NO. 5 OF 2013".

It is important to note that, the case which the Applicant is seeking for the rectification of clerical errors was actually heard *ex-parte* ten (10) years ago. Therefore, this Court has to address on issue of whether the application for rectification of clerical errors was properly filed before this court in respect to the case which was decided ten years ago. The Applicant was supposed to file an application for review for the correction of errors apparent on the



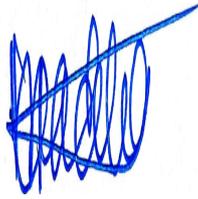
face of the records. The Applicant have preferred a wrong application by opting to file an application for rectification of clerical errors instead of filing an application for review of the decision given by this Court.

On the other hand; the Respondent counsel didn't contest this application. As stated above, the decision which is subject to this application issued *ex-parte* against the Respondent.

It is my opinion that the Applicant would file an application for review instead of praying for the rectification of clerical errors, as review is the correction of an error apparent to the face of the records. As a matter of fact, this application is unfounded and has no legs to stand. The Applicant has to file an appropriate application taking into consideration that, the case was determined in February 2014, more than ten years ago.

Coupled with what I have stated above, this application is hereby struck out. Each party is to bear its own costs.

Dated at SONGEA ZONE this 3rd of June 2024.



UPENDO MADEHA

JUDGE OF THE HIGH COURT

