

**IN THE HIGH COURT OF TANZANIA
(LAND DIVISION)**

AT DAR ES SALAAM

MISC. LAND CASE APPEAL NO. 1059 OF 2016

TECLA MBWAWALA.....APPLICANT

VERSUS

VICENTIA KINOGE.....RESPONDENT

R U L I N G

P.M. Kente, J:

A preliminary point of objection has been raised by the respondent herein namely Vicentia Kinoge to the effect that the present application in which the applicant one Tecla Mbwawala is moving the court to review its Ruling

(Per Mgaya,J as she then was),in Land Appeal No. 90 of 2014, is time barred.

Whereas Mr. Juma Mwakimatu Learned Counsel appeared for the applicant to argue this Preliminary Objection, the respondent had no legal representation but she had a helping hand in drafting the documents which were drawn **gratis** by the Legal and Human Rights Center.

Submitting in support of the preliminary objection, the respondent maintained and I think correctly so that, the ruling sought to be reviewed having been delivered on 16th September, 2015 and the present Application having been filed on 20th December, 2016

that is to say after the expiry of one year and three months, the present application is time barred.

Going by the Provisions of part III of the first Schedule to the **Law of Limitation Act (Cap. 89 R.E. 2002)**, which prescribes the period of thirty days within which to apply for review, its certainly clear that the present application which was filed after one year and three months is indeed time barred as correctly maintained by the respondent. If the applicant had intended to apply for review as she was advised by my learned sister Makuru,J in Misc. Land Case Appl. No. 592 of 2015 in her ruling which was delivered on 20th July 2016, she ought to have in the first place, applied for extension of time within which to make an application for review. That she did not do, and as consequence, her present application standing as it is, is hopelessly time barred. On the basis of the foregoing reasons, the preliminary objection raised by the respondent is sustained and the application is dismissed with costs.

Dated at Dar es Salaam this **21st** day of **February, 2018.**


P.M. Kente,
JUDGE,