

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(LAND DIVISION)
AT DAR ES SALAAM**

MISC. LAND CASE APPLICATION NO. 393 OF 2020

MRS.BERTHA S. MGOMBELO1ST APPLICANT

MR. HENRY R. MGOMBELO2ND APPLICANT

VERSUS

BEATRICE H. UMBE1ST RESPONDENT

HONESTA H. UMBE.....2ND RESPONDENT

RULING

S.M. MAGHIMBI, J:

This application is brought under the provisions of Sections 95 and 96 of the Civil Procedure Code, Cap 33 R.E 2019 (‘the CPC’). The applicants are praying for this court to correct clerical errors depicted in the judgment and decree emanating from Land Case No. 87 of 2013 and any other relief(s) that this court may deem fit and just to grant. During the hearing of this application, the applicant was represented by Mr. Stephen Sholla, Advocate. This application proceeded ex-parte of the respondents following Mr. Sholla’s prayer on reason that they could not trace the respondent. Having in the records the proof of failed service to the respondent and given the nature of the application, the hearing of this application proceeded ex-parte.

In his submissions to support the application, Mr. Sholla first prayed that the contents of his affidavit be adopted to form part of his submissions. He then submitted that the orders sought in chamber summons is to

correct clerical errors repeated in the judgment and decree in Land Case No.87 of 2013. He prayed that this application is granted.

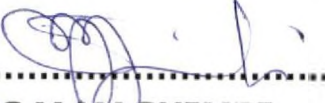
Having gone through the contents of the affidavit in support of this application as sworn by Mrs. Bertha Stella Mgombelo, I have noted that the clerical errors pointed out by the applicant include the year of the case which should read 2012 and not 2013 which is actually so on the records. There is further error whereby the 2nd plaintiff is depicted as the 2nd defendant and that the 1st and 2nd defendants names of Bertha Stella Henry Mgomelo and Henry Mgomelo were not correct. I have gone through the records including the plaint and the Written Statement of Defence and it is correct that proper names of the 1st and 2nd defendants were and should read as Bertha Stella Mgombelo and Henry Robert Mgombelo. Having satisfied myself of the clerical errors so features in the judgment and decree of this court in the Land Case No. 87/2013, I allow this application and the following clerical errors are hereby corrected:

1. The name of the 3rd and 4th defendants should read as Mrs. Bertha Stella Mgombelo and Mr. Henry Robert Mgombelo instead of the current Mrs. Bertha Stella Mgomelo and Mr. Henry Robert Mgomelo
2. The second plaintiff Honesta H. Umbe should be reflected as the 2nd plaintiff and not the current 2nd defendant.
3. The case number should read Land Case No. 87/2012 instead of the current Land Case No. 87/2013.

The said clerical errors should be rectified in the judgment and decree of this court in the Land Case No. 87/2012 and reflected as above corrected. It is so ordered.

Dated at Dar es Salaam this 16th day of December, 2020.




S.M MAGHIMBI,
JUDGE