

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

**MISC. LAND APPLICATION NO.217 OF 2022**

*(Originating from Misc. Land Application No. 68 of 2021, before Mwenegoha J, dated  
30<sup>th</sup> November, 2021)*

**ADAM NA NDUGUZE..... APPLICANT**  
**VERSUS**  
**MOHAMED S. MNDEVA.....RESPONDENT**

**R U L I N G**

*Date of Last Order: 09. 06.2022*  
*Date of Ruling: 30.08.2022*

**T. N. MWENEGOHA, J.**

This application came under Section 78 (1) (a) and (b) of the Civil Procedure Code, Cap 33 R. E. 2019. The applicant seeks a review of the decision of this court, entered in respect of Misc. Land Application No. 68 of 2021, decided by Mwenegoha J on the 30<sup>th</sup> November, 2021. The application was supported by the affidavit of Adam Said Mndewa. The same was heard by way of written submissions and both parties appeared in person.

However, while composing this Ruling, I note an illegality that touches the tenability of the case at hand. It has come to my knowledge that, the instant application was preferred in a different form from what has been provided for by the law. The parties were ordered to address the matter and both complied with the order.

As I have explained herein above, the application at hand was initiated by Chamber Summons supported by an affidavit. This is contrary to **Order XLII Rule 3 of the Civil Procedure Code, Cap 33 R. E. 2022**. The said provision states as follows;-

*"The provisions as to the form of preferring appeal shall apply, mutatis mutandis, to applications for review".*

Basing on the above quoted provision of law, I find the instant application to be incompetent and I strike it out accordingly.

No order as to costs.



  
**T. N. MWENEGOHA**  
**JUDGE**  
**30/08/2022**