

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

REFERENCE NO.11 OF 2021
(Originating from Bill of Cost No. 175 of 2021)

BOMANI ADVOCATES AND COMPANY.....APPLICANT

VERSUS

EL NASIR IMPORT AND EXPORT COMPANY.....1ST RESPONDENT
TANBROS INVESTMENT LTD.....2ND RESPONDENT

R U L I N G

Date of Last Order: 21.09.2022

Date of Ruling: 30. 09.2022

T. N. MWENEGOHA, J.

This application was brought under rule 1(1) and (2) of the Advocates Remuneration Order, GN No. 263 of 2015. The applicant prayed before this court to quash and set aside the ruling on Taxation Cause No. 175 of 2018, dated 30th May 2022, by Hon. Masawe (Deputy Registrar).

The records show that, the application at hand was filed on the 21st June, 2022, more than 21 days as required by the law. The parties were notified and ordered to address the court on whether the application was filed within time. Neither of the parties complied with the order. No submission were filed.

When the matter was called for Ruling, advocate Alphonse Nachipyangu for the applicant appeared in Court and addressed it with prayers to withdraw the application as it is time barred. This prayer was supported

by advocate for the respondent, who confirmed that the advanced prayers are the reasons of them not complying with the Court order of filling written submissions on the matter.

This Court is frowning upon such demeanor of the two counsels of complete disregard of this Court's order so as to save their own purpose. It is trite law that Court orders should be respected and complied with. Court should not condone such impertinent behavior. In the case of **P3525 LT. COL. Idahya Maganga Gregory vs. The Judge General Court Martial, Criminal Appeal no. 4 of 2002**, it was held that,

"court orders are binding and are meant to be implemented. They must be implemented. If such orders are disrespected the system of justice will be rendered useless and it will create chaotic that everyone will decide to do anything that is convenient to him"

Granting the applicant's new prayer advanced before this Court while there is a Court order which has been completely ignored is tantamount to blessing disrespect of Court orders and consequently rendering justice system useless. Hence, this court cannot grant the applicant's prayer of withdrawal whilst there is Court order of filling written submissions on the same issue.

Moreover, it is long established that failure to file written submissions is the same as a failure to argue one's case before the Court. **In the Matter of the Estate of the Late Peter Kisumo and In the Matter of Application for Revocation of Letter of Administration By Peter**

Kisumo (Misc. Land Application No. 441/2018) Mgonya J, held that,

"I can say the applicant's failure to file his written submission as ordered by this Honorable Court is a serious noncompliance. I'm mindful with the trite law that if the parties are to act in total disregard to the Court orders, then Court business will be rendered uncertain and that will not be good for the efficient of Administration of justice. Therefore, disobedience of an order, court naturally draws sanctions".

These above facts leave the Court with no choice other than dismissing the instant application for being filed out of time.

No order as to costs.

It is so ordered.




T. N. MWENEGOHA

JUDGE

30/09/2022