

IN THE HIGH COURT OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

LAND CASE NO. 212 OF 2022

SIMX LIMITED.....PLAINTIFF

VERSUS

EQUITY BANK (T) LTD.....DEFENDANT

RULING

29/9/2022 & 29/09/2022

Masoud, J;

Having considered the Preliminary Objection raised by the defendant which has it that the plaint is incurably defective for failure to verify para 16, I noted that it is not in dispute that the paragraph is one that sets the reliefs sought by the plaintiff.

My understanding of the established rules of practice is that such paragraph is not ordinarily reflected is the verification clause. Even if such requirement is alleged to be there the omission to do so would not be fatal. I say so as I am mindful of para 3 of the plaint which states the very reliefs sought by the plaintiff in para 16, which para 3 was undisputedly verified in the verification clause.

In the upshot of the foregoing, the preliminary point of objection is without merit, and is accordingly dismissed, with no order as to costs for the hearing proceeded in the absence of the plaintiff.

It is so ordered.

Dated at Dar-es-Salaam this 29th day of September, 2022

B.S. Masoud

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JUDGE

