

IN THE COURT OF APPEAL OF TANZANIA
AT DAR ES SALAAM

(CORAM: MAKAME, J.A., KISANGA, J.A., And MFALILA, J.A.)

CIVIL APPLICATION NO. 32 OF 1994
In the Matter of an Intended Appeal

BETWEEN

RICHARD WILLIAM SAWE. APPLICANT

AND

WOITARA RICHARD SAWE. RESPONDENT

(Application for review from the
Judgement of the Court of Appeal
of Tanzania at Dar es Salaam)

(MAKAME, KISANGA And MFALILA, JJJA)

dated the 9th day of June, 1994

in

Civil Appeal No. 38 of 1992

RULING OF THE COURT

MFALILA, J.A.:

The applicant RICHARD WILLIAM SAWE by notice of motion sought to move this Court to exercise its review jurisdiction in respect of the judgement delivered on 9th June 1994 in Civil Appeal No. 38/92. In respect of that judgement the applicant is basically complaining against two matters arising therein. First, he is complaining against the non application of customary law in the division of matrimonial assets, secondly, he is complaining against the order for sharing the costs of the matrimonial suit, in other words the order making each party bear his or her own costs.

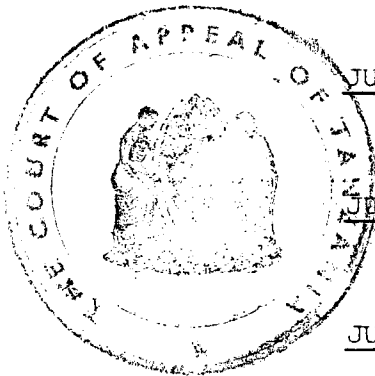
This Court can only be moved to exercise its review jurisdiction which is inherent not statutory in the following situations:

- (a) Where there is a manifest error apparent on the record.
- (b) Where it is established that the Court acted without jurisdiction.
- (c) Where it is established that the judgement was obtained by fraud.
- (d) Where it is established that one of the parties was condemned unheard.

The present application does not fall into any of the above categories hence this Court cannot entertain it and exercise its review jurisdiction.

Accordingly the application is without merit and it is dismissed with costs.

DATED at DAR ES SALAAM this 11th day of March, 1998.



L.M. MAKAME
JUSTICE OF APPEAL

R.H. KISANGA
JUSTICE OF APPEAL

L.M. MFALILA
JUSTICE OF APPEAL

I certify that this is a true copy of the original.

(A.G. MWARIJA)
DEPUTY REGISTRAR