

IN THE HIGH COURT OF TANZANIA

AT DAR ES SALAAM

MISC. CIVIL APPLICATION NO. 265 OF 2000

NATIONAL INSTITUTE OF PRODUCTIVITY APPLICANT

Versus

ZANZIBAR DEVELOPMENT AND MANAGEMENT

SERVICE, MY COMPUTER RESPONDENT

R U L I N G

Luanda, J.

The intention of this application is to challenge the bill of costs taxed by the Taxing Master who is also the Registrar of The Housing Appeals Tribunal. The application is made under rule 5 (1) of the Advocates Remuneration and Taxation of costs, Rules 1991. And the parties to this application are represented by advocates. Mr. Kyoza for the applicant; whereas Mr. Msemwa appeared for the Respondent.

The advocates to the proceedings agreed to dispose of this matter by way of written submission. And both advocates dutifully filed their written submissions.

On going through the submissions as well as the application, I was wondering whether the application is proper before this court. Upon research I realized that the application is not proper before this court. I will explain -

In law if one is aggrieved by a decision of the Registrar of The Housing Appeal Tribunal in his capacity as Taxing Officer he may refer the matter by way of reference to the Chairman of The Housing Appeals Tribunal. This is provided for under Rule 55 of The Housing Appeals Tribunal (Appeal) Rules, 1987 (GN 249/1990). The Rule reads:

55 (1) Any person who is dissatisfied with a decision of the Registrar in his Capacity as Taxing Officer may require any matter of law or principle to be referred to the Chairman for his decision and the Chairman shall determine the matter as the justice of the case may require

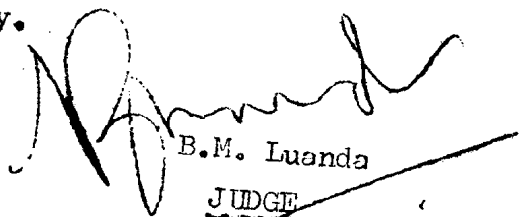
- (2) Any person who contends that a bill of costs as taxed is, in all the circumstances, manifestly excessive or manifestly inadequate, may require the bill to be referred to the Chairman who shall have power to make such deduction or addition as will render the bill reasonable
- (3) An application for reference may be made to the Registrar informally at the time of taxation or by writing within seven days after taxation.

And the word "Chairman" is defined thus:-

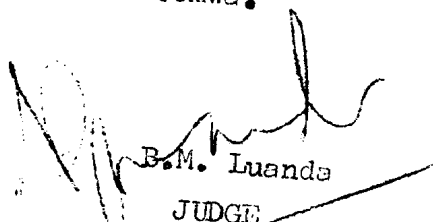
"Chairman" means the Chairman or Deputy chairman of either Housing Appeals Tribunal or the Regional Housing Tribunal. In our case it is a Housing Appeal Tribunal.

From the foregoing, therefore this court is not the right forum to challenge the decision of the Taxing Master of the Housing Appeals Tribunal. The same is struck out with costs.

Order accordingly.


B.M. Luanda
JUDGE
15/11/2002

Ruling delivered in the presence of Mr. Kyoza for the Applicant and holding brief of Mr. Msemwa.


B.M. Luanda
JUDGE
15/11/2002