PREPARED BY

Legal officers of the Legal Aid Clinics

COMPILATION

Theresia Kinabo

EDITOR

Helen Kijo-Bisimba

LAYOUT

Rodrick Maro

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INTRODUCTION TO THE LEGAL AND HUMAN RIGHTS CENTRE

Who are we?

The Legal and Human Rights Centre (LHRC) is a private, voluntary, non-governmental, non-partisan and non-profit making organisation established and registered under the Companies Ordinance, Chapter 212, of the laws of Tanzania as a company without shares limited by guarantee. Before its registration as an independent autonomous entity in September 1995, LHRC was a human rights project of the Tanzania Legal Education Trust (TANLET). LHRC is based in Dar es Salaam and has a branch office in Arusha.

Vision

LHRC envisages a just and equitable society.

Mission Statement

LHRC is a not for profit, non-partisan, non-governmental organisation striving to empower the public, promote, reinforce and safeguard human rights and good governance in Tanzania.

What we do?

The main objective of LHRC is to create legal and human rights awareness among the public and, in particular, among the underprivileged sections of society through legal and civic education, advocacy, research, follow up of human rights abuse and the provision of legal aid;

provided that the objectives of LHRC shall not extend to putting up or supporting candidates for government or local authority elections which would make it a Political Party within the meaning of a political party as stipulated in the Political Parties Act, 1992.

PRELUDE:

Court forms are forms prepared with the interest of the lay people in mind. Realizing that the legal and the judiciary process is in place to protect both those with legal and those with no legal knowledge. It being the mission of Legal and Human Rights Centre to assist the indigenous to access the legal machinery thus these court forms are meant to assist the indigenous and lay persons to know how to approach the court, the different order of documents that need to be filled depending on the issues that need to be sought out. The lay out of the documents and contents.

These court forms also include different legal documents that are used in day to day life of a person such as the deed pool (used for change of names), power of attorney (used to give someone else power on behalf of another to pursue the others issues being to protest or to defend them).

Thus the Legal and Human Rights Centre hope that with the availability and use of the forms it can simplify and make easy for everyone to be able to access the judicial machinery and to protect and defend their rights to that in the long run a just and equitable society can be achieved.

Plaint where there are two defendants who are natural persons

IN THE DISTRICT COURT OF …….

AT ……

CIVILCASE NO. ---------- OF ----------

---------- PLAINTIFF

VERSUS

1. ---------- 1ST DEFENDANT

2. ---------- 2ND DEFENDANT

PLAINT

The Plaintiff above named states as follows:

1. That the Plaintiff is a natural person who lives and works for gain in …….and his address of service for purposes of this suit is:

2. That both the 1st and 2nd defendants are natural persons who live in …….and for the purpose of this suit the plaintiff will point their addresses to the process server.

3. That the Plaintiff's claim against the Defendants is for ----------

4. ----------

5. That the cause of action arose in ……. and for the purpose of jurisdiction and court fees the amount demanded is not more than ---------- thus this Honorable Court has jurisdiction to entertain and determine the matter.

WHEREFORE, the Plaintiff prays for judgment and decree against the Defendants jointly or severally as follows:

(a) An order for the Defendants, jointly or severally ----------
(b) Interest on the Principal amount at the rate of ---------per annum.

(c) Costs of this suit.

(d) Any other relief this Honorable Court may deem just and equitable to grant.

Dated at …….. this ------ day of ……., ----------

PLAINTIFF

VERIFICATION

All what is stated herein above is true to the best of my knowledge.

PLAINTIFF

Presented for filing this --------- day of ……, ----------

REGISTRY OFFICER

COPY TO BE SERVED UPON:

1. 1ST DEFENDANT.
2. 2ND DEFENDANT.

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Plaint where the Defendant is a Company

IN THE HIGH COURT OF TANZANIA

(…… DISTRICT REGISTRY)
AT ……..

CIVIL CASE NO…….. OF ----------

…….. PLAINTIFF

VERSUS

……..…. DEFENDANT

PLAINT

The Plaintiff above named states as follows:-

1. That the Plaintiff is a natural person, a ……., ordinarily residing at …… and his proper address of service for the purposes of this suit is:- …….

2. That the Defendant is a limited liability company carrying on the business of …… and its proper address for service for the purposes of this suit is in the care of :-

3. ……..
4. ……..
5. …….

6. That the cause of action arose in …….. and the Plaintiff has been granted leave by this Honorable Court to commence this suit in this court thus this Honorable Court has jurisdiction to determine the matter.

WHEREFORE the Plaintiff prays for judgment and decree against the Defendant as follows:

(a) ----------
(b) ----------
(c) ----------
(d) Interest on (b) above at the commercial rate of ------- p.a. from the date the cause of action accrued till judgment.

(e) Interest on the decretal amount at court rate from the date of judgment to full settlement.

(f) Costs of this suit.

(g) Any other relief(s) this Honorable Court may deem just and equitable to grant.

DATED at …… this ……. day of ----------, ----------

…….
PLAINTIFF

VERIFICATION

What is stated in paragraphs 1 to …….. herein above is true to the best of my knowledge and what is stated in paragraph ……..on the jurisdiction of the Court is true to the best of the information given to me by my lawyers.

……..…….…….
PLAINTIFF

Presented for filing this ……. day of ……., …….

……..…….
REGISTRY OFFICER

COPY TO BE SERVED UPON:
DEFENDANT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Plaint where the Defendant is a natural person

IN THE HIGH COURT OF TANZANIA

(……. DISTRICT REGISTRY)

AT …….

CIVIL CASE NO. …….OF …….

…….…….. PLAINTIFF

VERSUS

……. ……..DEFENDANT

PLAINT

The Plaintiff above named states as follows:

1. That the Plaintiff is a natural person residing and working for gain within …….and her address of service for the purposes of this suit is: …….

2. That the Defendant is a…….. for purposes of this suit the address of service of the defendant is: ……..

3. That the cause of action arose in …….. and for purpose of court fees the Plaintiff's claim against the Defendant is T. Shs. ……. and thus this Honourable Court has jurisdiction to entertain and determine this matter.

WHEREFORE the Plaintiff prays for judgment and decree against the Defendant as follows:

a. ……..
b. That the Defendant pays the Plaintiff interest on (a) above at commercial rate of ……per annum from the date the cause of action arose until judgment.

c. That the Defendant pays the Plaintiff interest on (a) and (b) above at court rate from the date of judgment to satisfaction of the judgment debt.

d. Costs of this suit.

e. Any other relief(s) this Honourable Court may deem just to grant.

Dated at …….. this …… day of ……., ……..

……..……..
PLAINTIFF

VERIFICATION

All what is stated herein above is true to the best of my knowledge.

……..
PLAINTIFF

Presented for filing this ……. day of……..., ……

……
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE DEFENDANT

DRAWN AND FILED BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID CLINIC
P.O. BOX 75254
DAR ES SALAAM

Plaint where there are several Defendants

IN THE HIGH COURT OF TANZANIA
AT (MAIN REGISTRY)

CIVIL CASE NO. ---------- OF …….

---------- PLAINTIFF

VERSUS

---------- 1ST DEFENDANT
---------- 2ND DEFENDANT
---------- 3RD DEFEDNDANT

PLAINT

The Plaintiff above named begs to state as hereunder:-

1. That the Plaintiff is an adult person resident of …… and his proper address of service for purposes of this suit is: ……

2. That the first Defendant ……He is a necessary party to this suit and his address of service for purposes of this suit is:- ……..

3. That the second Defendant is ….. …….. and his address of service for purposes of this suit is:- ……..

4. That the third Defendant is a ……., and his address of service for purpose of this suit is in the care of:-

5. That the Plaintiff claims against the defendant jointly and or severally a total of T.Shs. ……. being damages for …….

6. ……

7. ……

8. That the cause of action arose in …… and its value exceeds T.Shs. …… hence falling under the jurisdiction of this Honourable Court.

WHEREFORE, the plaintiff prays for judgment and decree for awards of:

i. ……..
ii. Interest at current rate on the claimed amount from the date of filing of this suit to the date of judgment at tune of ……...
iii. Interest on decretal amount at Court's rates until payment in full.
iv. Any other or further relief(s) as this court may deem just and fit to grant.

PLAINTIFF

VERIFICATION

All what is stated hereinabove is true to the best of my knowledge.

Dated at ……. this ---------- day of …….. , ……..

PLAINTIFF

Presented for filing this ----- day of ……., ……..

REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE DEFENDANTS

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Plaint where the case is for tort of Defamation

IN THE DISTRICT COURT OF ……..
AT ……

CIVILCASE No. …… OF ……

…….. PLAINTIFF

VERSUS

1. …….. }
2. …….. } ---------- DEFENDANTS
3. ……. }
4. …… }

==========

PLAINT (DEFAMATION)

The plaintiff above named states as follows:

1. That the Plaintiff is a natural person who works for gain in …… and his address of service for purposes of this suit is:

2. That the 1st Defendant is the Chief Executive and Principal Officer of the publication known as ……., a Kiswahili/English, Newspaper which is published and circulated by the 2nd Defendant, a limited liability company incorporated under the laws of the land. The said newspaper is printed by the 3rd Defendant also a limited liability company incorporated under the laws of the land, and the 4th Defendant is a journalist employed by the 1st Defendant.

   The entire Defendants' address of service for purpose of these suits is:-

   …….

   …….

3. That the 1st Defendant is a person who has overall responsibility of determining what should and should not be printed in the ……. Newspaper taking into account that he is under an obligation to avoid libel and injurious publication.

4. That the 1st, 2nd and 4th Defendants are supposed to be highly knowledgeable in journalism ethics and are also supposed to be aware of the code of conduct of the Media Council of Tanzania, the latter being a professional body voluntarily established by journalists and owners of mass-media organs to protect and safeguard professional ethics of journalism in Tanzania.

5. That as a printer of Newspapers the Defendant is under legal, ethical and professional obligation of proof-reading all matters it prints to ascertain that they are not injurious to other persons. Being a well-established printer this obligation was fully known and appreciated by the 3rd Defendant when the cause of action herein arose.

6. That …… Newspaper, now and at the time the cause of action arose, is a popular newspaper whose circulation is high and therefore has a regular and loyal readership of men and women from all walks of life and it is published in Kiswahili, a *lingua franca* in Tanzania.

7. That the Plaintiff's claim against the Defendants, jointly and severally in respect of the injurious publication as averred in the ensuing paragraphs herein below is for the total sum of ……

8. That in the ……. Newspaper which appeared on ……., …….. the Defendant wrote a article which was injurious to the Plaintiff, the 1st Defendant caused the said article to be published, the 2nd Defendant published and the 3rd Defendant printed the said article.

9. That in the said article under the heading of "……" the Defendants alleged that the Plaintiff was ……. Which they ought to have known was not true. Copy of the relevant page of the Newspaper carrying the said article is annexed hereto ……. and the Plaintiff craves for leave of the court to refer to it as part of this plaint.

10. That the said article caused the plaintiff together with his relatives to suffer serious emotional injuries and financial loss.

11. That the Defendants in publishing the said article acted irresponsible and in a reckless manner flouting journalism professional ethics for failing / neglecting to verify what they print and publish thus breaching their duty of care.

12. That the plaintiff using the services of lawyers demanded an apology and payment of a token amount of …… as solace but the Defendants refused / neglected to heed to the demand. Copy of a letter from the lawyers dated…….. is annexed hereto marked …….. and the plaintiff craves for leave of the court to refer to it as part of this plaint.

13. That the plaintiff decided to refer the matter to the Media Council of Tanzania which as afore-stated, is a professional body voluntary established by journalists and owners of mass media organs to protect and safeguard professional ethics of journalism in Tanzania for a negotiated settlement. Copy of the plaintiff's letter dated ……. Addressed to the Executive Secretary, Media Council of Tanzania to that effect is annexed hereto marked ……. and the plaintiff craves for leave of the Court to refer to it as part of this plaint.

14. That the Media Council through its letter ……. Which letter was copied to the plaintiff summoned the Defendant for a hearing of the plaintiff's complaints. In the said letter it was clearly stated that the person to represent the Defendant should have decision making powers. Copy of the letter referred to in this paragraph is annexed hereto marked …….. and the plaintiff craves for leave of the court to refer to it as part of this plaint.

15. That at the meeting it was decided that indeed the Defendants had erred and therefore the Council asked the parties to reach an agreement as to the amount the Defendants should pay the plaintiff as solace. Unfortunately the Defendants refused / neglected to negotiate.

16. That the cause of action arose in ……. and this Honourable Court has jurisdiction to determine the matter.

WHEREFORE the plaintiff prays for judgment and decree against the Defendants jointly and severally as follows;

(a) General Damages to the tune of Tsh. ……..
(b) Interest on the principal sum at commercial rate from the date the cause of action arose.
(c) Interest on the decretal sum at the court rate from the date of judgment until payment in full.
(d) Costs
(e) Any other relief this Honourable Court may deem fit to grant.

DATED at …… this …… day of ……..,……

VERIFICATION:

What is stated herein above is true to the best of my knowledge.

…….

PLAINTIFF

Presented for filing this ……. day of ……,…….

……..

REGISTRY OFFICER

COPY TO BE SERVED UPON:

1.1st DEFENDANTS

2. 2nd DEFENDANTS

3. 3rd DEFENDANTS

4. 4th DEFENDANTS

DRAWN AND FILED BY:

LEGAL AND HUMAN RIGHTS CENTRE

LEGAL AID UNIT

P.O. Box 75254

DAR-ES-SALAAM

Plaint for Forceful Eviction

IN THE RESIDENT MAGISTRATE'S COURT OF ……..

AT ……

CIVIL CASE No. …….. OF …….

…..…….. PLAINTIFF

VERSUS

……... 1ST DEFENDANT

……... 2ND DEFENDANT

==========

PLAINT

The Plaintiff hereinabove named submits as follows:

1. That the 1st Plaintiff who is a resident of ……. is an employee of the …… in …….. and her proper address for service for the purpose of this suit is in the care of:

2. That the Defendant is a registered …… and the 2nd Defendant is a ……. and their address for service for the purpose of this suit is: ----------

3. That the Plaintiff's claim against the Defendants is for eviction order, mesne profits, refund of water and electricity bills, and damages for not enjoying use of the suit premises.
4. That sometime in …….. one…… intimated to the plaintiff his organization's interest to run a …….. at her property situated on Plot no. Block …….. at a monthly rent of Tsh. ……..
5. That in …… a lease agreement was drafted after adequate consultations between the plaintiff and the Defendants, which agreement was expected to run from …….. A copy of the said lease agreement given to the parties for signing is annexed hereto and marked

…….. and the plaintiff craves for leave of the court to refer to it as part of the plaint.

6. That on ……., the Defendants moved into the suit premises even before signing the lease agreement.

7. That for …… months / years the Defendants continued to occupy the suit premises without executing the lease agreement and paying rent, a situation which compelled the Plaintiff to ask them to vacate the same.

8. That instead of giving the Plaintiff vacant possession of her premises, the Defendants rushed to the …… to frustrate the Plaintiff's efforts to have her property back and put it into profitable use. Copy of the Application is annexed hereto and marked …… and the Plaintiff crave for leave of the Court to refer to it as part of the Plaint.

9. That since there is no tenant-landlord relationship between the parties, there is no triable matter before the tribunal, and since the matter is yet to be heard by the tribunal for almost a year now mainly on account of lack of interest on the part of the Defendants, the Plaintiff seeks this Court's intervention to recover the property occupied illegally by the Defendants.

10. That the Plaintiff claims from the Defendants mesne profits at the rate of Tsh …….. per month from the …… to the time when they will surrender the property.

11. That the Plaintiff further claims against the Defendants money to cover water and electricity costs in respect of the suit premises and for the said period.

12. That in addition the plaintiff claims against the Defendants damages for non-enjoyment of her suit premises from the …… until the time they will vacate the same.

13. That the cause of action arose in …… and for purpose of jurisdiction this Honourable Court is competent to determine this suit.

WHEREFORE the Plaintiff prays for judgment and decree against the Defendant as follows;

(i) Eviction order be issued against the Defendants.

(ii) Mesne profits at the rate of T.shs …….. per month from the date they entered the suit premises to the date they will vacate the same;

(iii) Refund of water and electricity bills for the said period as per paragraph 11 hereinabove;

(iv) Interest on the decretal amount at the court rate;

(v) Any other relief(s) that this Honourable Court shall deem fit to grant.

Dated at …… this …….. day of ……,……

……

PLAINTIFF

VERIFICATION:

What is stated in paragraphs 1 – 13 above is true to the best of my own knowledge.

……..

PLAINTIFF

Presented for filing this …… day of ……..,…….

…….

REGISTRY OFFICER

COPY TO BE SERVED UPON:

THE DEFENDANTS

DRAWN AND FILED BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Notice of Preliminary Objection

IN THE HIGH COURT OF TANZANIA

…….. DISTRICT REGISTRY

AT ……..

CIVIL CASE NO. ….. OF …….

……. PLAINTIFF

VERSUS

…….……..DEFENDANT

WRITTEN STATEMENT OF DEFENCE

NOTICE OF PRELIMINARY OBJECTION

The Defendant herein above states as follows:-
On the first day of hearing the Defendant herein will raise the following preliminary objections.

(a) That the Plaint does not disclose any cause of action.

(b) ……

IN THE ALTERNATIVE BUT WITHOUT PREJUDICE to what is stated hereinabove, the Defendants state as hereunder.

1. …….

WHEREFORE the Defendant pray as follows:

(a) That the suit be dismissed with costs.

(b) Any other relief (s)that this Honourable Court deems just and equitable to grant.

Dated at ……. this …….. day of……, ……

……..
DEFENDANT

VERIFICATION

All what is stated above is true to the best of my knowledge.

……..
DEFENDANT

Presented for filing this …… day of ……., …….

……..
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE PLAINTIFF

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Amended Plaint for Several Plaintiffs and Defendants on Land Lord andTenants

IN THE HIGH COURT OF TANZANIA

(…… DISTRICT REGISTRY)

AT ……..

CIVIL CASE No. …… OF ……..

1. ……..}
2. ……..} ---------- **PLAINTIFFS**
3. ……..}

VERSUS

1. ……}
2. ……} ---------- **DEFENDANTS**
3. ……}

AMENDED PLAINT

(Pursuant to leave granted by the Honourable Court on ……)

The Plaintiffs above named state as follows:-

1. That the Plaintiffs are limited liability companies and firms whose address for service for the purposes of this suit is in the care of:-

2. That the Defendant's address for service for the purposes of this suit is in the care of: …….

3. That on the …… the plaintiff severally entered into an agreement with the …….. for lease of the latter's office complex at …….., at the rate of ……. Per square metre per month. A copy of a standard form lease agreement signed by all the plaintiffs is annexed hereto marked "Annexure ……. And the plaintiff craves for leave of the Court to refer to it as part of this plaint.

6. That the said agreement was for "tenants' repair lease" in that the Plaintiffs were required to undertake and carry out all repairs pertaining to their offices and common facilities without debiting the costs there from to the Landlord.

7. That the lease was to expire in ……with the option on the part of the Plaintiffs to extend the same upon written request to the landlord three months before expiration.

8. That sometime in …… the Plaintiffs were informed that the …… was among properties mortgaged by ……. In respect of a loan taken by …….. the …….. which property was placed under receivership to recover the loan due to the bank. A copy of a letter from the first Defendant written on the ……. and addressed to the …….. is annexed hereto marked "Annexure"…… of which the Plaintiffs crave for leave of the Court to refer to it as part of this Plaint.

9. That the …… had elected at that particular time to place the said property under receivership on account of tremendous appreciation of the property's value arising from the Plaintiffs' massive and costly renovation of the …… as encouraged by the terms of the lease agreement.

10. That the Defendant acknowledged the Plaintiffs' notable contribution to and contractual rights and special interest in the said property in that he continued to adhere to the said lease agreement, with slight variation, and gave the Plaintiffs special offer to buy the property in question.

11. That the Plaintiffs, after meeting all the conditions set by the Defendant, communicated their acceptance in writing on the ……. to purchase the property and adduced strong reasons as to why they deserved preference in the whole exercise. Copy of the letter by the Plaintiffs accepting to acquire the property is annexed hereto marked Annexure …….. and the Plaintiffs crave for leave of the Court to refer to it as part of this Plaint.

12. That notwithstanding the Plaintiffs' prompt response, the ……. did not respond and decided to leave with the situation for the remaining part …….. and the whole of ……..

13. That in ……. the …….. re-advertised the tender for outright purchase or long-term lease of the said property with a note that the …….. was not obliged to award the tender to the highest bidder.

Copy of a newspaper cutting to that effect is attached hereto marked "Annexure ……" and the Plaintiffs crave for leave of the Court to refer to it as part of this Plaint.

14. That the Plaintiffs again decided to jointly bid for the purchase of the …….. for ……. and submitted the requisite deposit of …….. per cent of the proposed purchase price. The Plaintiffs' letter dated …….. is attached hereto marked "Annexure……" and the Plaintiffs crave for leave of the Court to refer to it as part of this Plaint.

15. That for various reasons unknown to the Plaintiffs, their bid which was submitted as per tender instructions, was either not collected from the tender box or simply not opened, hence could not be considered alongside other bids.

16. That the Plaintiffs took up the matter with …….. to have heir bid considered in the interests of justice. Copy of the Plaintiffs' letter on the subject dated …… is attached hereto marked 'Annexure" and the Plaintiffs crave for leave of the Court to refer to it as part of this Plaint.

17. That on the …… the Plaintiffs reiterated their desire to acquire the said property and revised their earlier bid upwards from ……. to …… which included the value of rehabilitation of the property undertaken by them, and expressed willingness to further improve their bid if required to. The Plaintiffs' letter …….. is attached hereto marked "Annexure……" and the Plaintiffs crave for leave of the Court to refer to it as part of this Plaint.

18. That on the …….. and ……. the Plaintiffs were served with letters from the Defendant informing them that the tender had been awarded to the …… on the ground that …….. was the …….. It had offered …….. for the property. Copy of the letters referred to in this paragraph are attached hereto marked ……. and ……. and the plaintiffs crave for leave of the Court to refer to them as part of this plaint.

19. That the Defendant's conduct in the entire exercise had from the outset clearly exhibited bad faith and bias against the plaintiffs as local entrepreneurs.

20. That the decision by the 1st Defendant to sell the said public property to the 3rd Defendant has not only offended the proprieties, but also undermined both the express and implied terms of the lease agreement between the plaintiffs and the …….

21. That in disposing of the said public property, the Defendant or the …… were neither transparent nor guided by public policy.

22. That the cause of action arose in …….. which is within the jurisdiction of the Honourable Court.

WHEREFORE, the plaintiffs humbly pray for judgment and decree as follows:

(a) A declaration that there was a subsisting contract between the plaintiffs and …….. which the …….. and ……. elected to uphold with slight variation of its terms;

(b) A declaration that the award of tender to the ……. was null and void for failure to observe the law, public policy and the rules of Natural Justice.

(c) A declaration that the Defendant was obliged to sell the said property to the plaintiffs upon the latter's acceptance of the offer by the former.

(d) A declaration that there was a breach of contract in respect of the plaintiffs' tenancy.

(e) A declaration that there was a breach of contract in respect of the plaintiffs' right to purchase the said property.

(f) Damages for breach of contract as per (d) and (e) to the tune of ……..

(g) Compensation of T.shs. …….. plus interest at commercial rate.

(h) Costs of and incidental to the suit.

(i) Any other relief(s) that the Honourable Court may deem fit.

Dated at …… this …. day of ……, ……

…….

PLAINTIFF

VERIFICATION:

All what is stated above is true to the best of our knowledge, information and belief.

…….

PLAINTIFF

……..

PLAINTIFF

……..

PLAINTIFF

Presented for filing this ……. day of ……,……..

_____

REGISTRY OFFICER

COPY TO BE SERVED UPON:

THE DEFENDANTS

DRAWN AND FILED BY:

LEGAL AND HUMAN RIGHTS CENTRE

LEGAL AID UNIT

P.O. BOX 75254

DAR-ES-SALAAM

Written Statement of Defense for two Defendants

IN THE DISTRICT MAGISTRATE'S COURT OF ……..

AT ……

CIVIL CASE No. …..OF ……

……..……. PLAINTIFF

VERSUS

……..1ST DEFENDANT

…….……2ND DEFENDANT

WRITTEN STATEMENT OF DEFENCE

The 1st Defendant above named states as hereunder:-

1. That the contents of paragraph 1 of the Plaint are noted.
2. That the contents of paragraph 2 of the Plaint are admitted.
3. ……..

WHEREFORE the 1st Defendant prays that this Honourable Court dismisses the Plaintiff's suit in its entirety with costs.

Dated at …… this day of ……..., ……...

……
1ST DEFENDANT

VERIFICATION

All what is stated herein above is true to the best of my knowledge

……
1ST DEFENDANT

Presented for filing this …….day of ……..., ……

…….
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE PLAINTIFF

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254,
DAR ES SALAAM

Notice of Preliminary Objection

IN THE HIGH COURT OF TANZANIA

(……. DISTRICT REGISTRY)

AT …….

CIVIL CASE No ….. OF ……

…….……..……. PLAINTIFF

VERSUS

…….……DEFENDANT

DEFENDANT'S WRITTEN STATEMENT OF DEFENCE

NOTICE OF PRELIMINARY OBJECTION

The defendant above mentioned states as hereunder.

1. On the first day of hearing of this suit, the Defendant shall raise Preliminary Objections on point of law as follows:-

   (a)
   (b)

WHEREFORE the Defendant shall pray that this suit be dismissed with costs.

IN THE ALTERNATIVE BUT WITHOUT PREJUDICE TO THE AFOREGOING the Defendant states that:-

(1) ……..
(2) …….
(3) ……

WHEREFORE the defendant prays as follows:-

1. Costs
2. Any other relief deemed fit by this Court to grant

Dated at …… this…… day of ……., ……

…….
DEFENDANT

VERIFICATION

What is stated above in paragraphs ……. is true to the best of my own knowledge .

…….
DEFENDANT

Presented for filing this……. day of ……., ……..

…….
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE PLAINTIFF

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Notice of Preliminary Objection

IN THE COURT OF THE RESIDENT MAGISTRATE OF

AT …….

CIVIL CASE NO. ….. OF ……

---------- PLAINTIFF

VERSUS

---------- DEFENDANT

NOTICE OF PRELIMINARY OBJECTION

NOTICE is hereby given that at on the first date fixed for hearing of this suit a preliminary objection will be raised for and on behalf of the Defendant on points of law and fact on the following grounds:

1. That the suit is both misconceived and unmaintainable in law.

2. That the Plaintiffs has no cause of action.

Dated at ……. this ----- day of ……..., ……

DEFENDANT

Presented for filing this day of ……., …….

REGISTRY OFFICER

COPY TO BE SERVED UPON:

THE PLAINTIFF

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Written Statement of Defense on employment cases

IN THE COURT OF THE RESIDENT MAGISTRATE OF ……

AT ……..

EMPLOYMENT CIVIL CASE No. …… OF ……..

…… PLAINTIFF

VERSUS

…….**……..…….. DEFENDANT**

WRITTEN STATEMENT OF DEFENCE

The above named Defendant states as follows:

1. …….

2. …….

WHEREFORE the Defendant prays that this suit be dismissed with costs.

Dated at …….. This day of ……, …….

VERIFICATION

All what is stated in paragraphs …….. hereinabove is true to the best of my knowledge.

……

DEFENDANT

Dated at …….. this …… day of …… , ……

……..

DEFENDANT

Presented for filing this …….. day of ……, ……..

……..
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE PLAINTIFF

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Amended Written Statement of Defense

IN THE HIGH COURT OF TANZANIA

(……..DISTRICT REGISTRY)

AT……...

CIVIL CASE NO ……. OF …….
……. PLAINTIFF

VERSUS
…… …….. DEFENDANT

AMENDED WRITTEN STATEMENT OF DEFENCE

The Defendant above named states as hereunder:

1…….

2……..

WHEREFORE the Defendant prays as follows:

(a) That the suit be dismissed with costs.

(b) Costs.

(c) Any other relief(s) that this Honourable Court deems just, fit and equitable to grant.

DATED at ……. this …… day of ……., ……..

……..……..
DEFENDANT

VERIFICATION

What is stated hereinabove is true to the best of my knowledge and information.

……
DEFENDANT

Presented for filing this …….. day of …….……

……..…….
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE PLAINTIFF

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Plaintiffs Written Submission on Preliminary Objection

IN THE RESIDENT MAGISTRATE'S COURT OF ……..

AT ……

CIVIL CASE NO. ……. OF ……..

……..……. PLAINTIFF

VERSUS

……DEFENDANT

THE PLAINTIFF'S WRITTEN SUBMISSION ON PRELIMINARY OBJECTION
(pursuant to court order dated ……)

May it please Your Honour,

The Plaintiff herein submits, in response to the Defendant's Submission on Preliminary Objection, as follows:
……
……..

We so humbly submit.

…….
ADVOCATE FOR THE PLAINTIFF.

Presented for filing this …….. day of …… , ……..

……..
REGISTRY CLERK

COPY TO BE SERVED UPON
THE DEFENDANT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AND HUMAN RIGHTS CENTRE
P.O. BOX 75254
DAR ES SALAAM

Certificate of Urgency

IN THE HIGH COURT OF TANZANIA

(…….. MAIN REGISTRY)

AT ……..

MISC. APPLICATION NO. …….OF ……

……..…….. ……..APPLICANT

VERSUS

……. ……**RESPONDENT**

CERTIFICATE OF URGENCY

I, ……, an Advocate for the Applicant herein **DO HEREBY CERTIFY** that, in my opinion, hearing of the application for ……is of utmost urgency for the following reason:-

1.

2. I undertake to make appearance for the hearing of the application on any day this Honourable Court may be pleased to designate.

In the foregoing circumstances, I pray that the matter be heard immediately as a matter of extreme urgency.

Dated at …….. this …… day of ……, …..…….

……...
ADVOCATE FOR THE APPLICANT

Presented for filing this …….. day of ……, …. …….

……..
REGISTRY OFFICER

DRAWN & FILED BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Certificate of Urgency on Misc. Application

IN THE HIGH COURT OF TANZANIA
(…… DISTRICT REGISTRY)

AT …….

MISC. CIVIL APPLICATION NO …….. OF ……..
(From RM Civil. Case No. ……. of …… at ……..)

BETWEEN

…….. ……..APPLICANT

AND

…….. ……RESPONDENT

CERTIFICATE OF URGENCY

I, …….., Advocate of the Applicant herein
DO HEREBY CERTIFY that in my opinion hearing of the application for orders as prayed in the Chamber Summons filed on the …… day of ……, …….. is of utmost urgency for the following reasons:-

1. ……..

2. That we are prepared to appear in this matter at any time and on any date this Honourable Court may be pleased to designate.

DATED at …….. this ……. day of ……..., ……..

……
ADVOCATE FOR THE APPLICANT

Presented for filing this …… day of ……., ……..

……...
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE RESPONDENT

DRAWN AND FILED BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Chamber Summons under S. 95 of CPC.

IN THE HIGH COURT OF TANZANIA
(…….. DISTRICT REGISTRY)
AT ……..
MISCELLANEOUS CIVIL CAUSE NO. …… OF ……

[CONSOLIDATED WITH MISC. CIVIL CAUSES NOS……BY ORDER OF THE COURT DATED ……]

IN THE MATTER OF THE COMPANIES ORDINANCE

AND

IN THE MATTER OF ……..

BETWEEN

……. APPLICANT/PETITIONER

AND

THE REGISTRAR OF COMPANIES …… RESPONDENT

AND

……OBJECTORS

CHAMBER SUMMONS

(Made Under Section 95 of the Civil Procedure Code, 1966 and any other enabling provision of the law).

LET ALL PARTIES CONCERNED appear before his Lordship Justice ……. in Chambers at the High Court of Tanzania on the …… day of ……. …..… at …… O'clock in the forenoon or soon thereafter as Counsel for Provisional Liquidator can be heard on the application for the following orders:

(i) That this Honourable Court ……..

(ii) That costs be provided for; and …….

(iii) Any other order that this Honourable Court may be pleased to issue.

This application has been taken out on the grounds and reasons set-forth in the Affidavit of **……..,** the Provisional Liquidator, which is annexed hereto and on further grounds and reasons to be adduced at the hearing.

DATED at …….. this …… day of …… , ……

……
DISTRICT REGISTRAR

Presented for filing this …… day of …….. , …….

……
REGISTRY OFFICER

COPIES TO BE SERVED UPON:

THE REGISTRAR OF COMPANIES,
CO-OPERATIVE BUILDING,
LUMUMBA ROAD,
DAR ES SALAAM.

THE OBJECTORS

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Chamber Summons under township (building) rules

IN THE DISTRICT COURT OF …….

AT ……..

MISC. CIVIL APPLICATION NO ……. OF ……..

…….. ……..APPLICANT

VERSUS

……. …….RESPONDENT

CHAMBER SUMMONS

(Made under Rule 12 (3) of the Township (Building) Rules and any other enabling provisions of the law)

LET ALL PARTIES CONCERENED appear before Honourable ……. in the District Court of …… at …….. on the …… day of ……, …….. at …….. O'clock in the forenoon or soon thereafter when the applicant can be heard on an application for orders that:-

(a) This Honourable Court be pleased to rescind, waive and stop the Respondent's demolition notice as served and carried out upon the Applicant's property.
(b) Cost be provided for
(c) Any other orders this Honourable Court may deem just to grant.

This application has been taken out on the grounds and reasons set forth in the Affidavit of …….. which is annexed hereto and on any further grounds and reasons which may be adduced at the hearing of the application.

Dated at ……. this ……. day of ……, …….

……..
DISTRICT MAGISTRATE

Presented for filing this …….day of ……, …….

……..…….
REGISTRY OFFICER

COPY TO BE SERVED UPON:
MUNICIPAL DIRECTOR

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Affidavit

IN THE DISTRICT COURT OF ……. DISTRICT

AT ……..

MISC. CIVIL. APPLICATION NO. …… OF ……..

…….. APPLICANT

VERSUS

……. ……..RESPONDENT

AFFIDAVIT

(In support of the Chamber Summons made under Rule 12(2) of the Township (Building) Rules and any other enabling provisions of the law)

I, ……, Adult, Moslem/Christian and resident of …… do hereby solemnly **AFFIRM/SWORN** and **STATE** as follows:

1. That I am the applicant herein thus conversant with the facts I am about to depose.

2. That on the…… day of …….. I was offered plot No. …… Block …. …… Area vide ……. City Council's letter with Ref. No…… dated ……. copy of which is attached hereto marked "Exh. 1" and I crave for leave of the court to refer to it as part of this affidavit.

3. That on the same day I accepted the offer by paying the necessary fees as evidenced in the …….. City Council's letter with ref. No. ……dated ……. Copy of the said letter is attached hereto marked "Exh. 2" and crave for leave of the Court to refer to it as part of this affidavit.

4. That not being conversant with the building rules, I thereafter started to develop the plot without first obtaining the Building permit.

5. That upon being served with the notice for demolition I approached the relevant authority and having been educated on the legal process I immediately started to comply by paying the necessary fees for Block Plan on the same day I was served with the demolition notice and the following day, that is, on ….. …….. I paid for property Tax and penalty thereof for the years ….. and ……. Copy of the Demolition notice and copies of receipts for payments referred in this paragraph are attached hereto

marked "Exh. 3" and "Exh 4" respectively. I crave for the leave of the court to refer to them as part of this affidavit.

6. That on …….. I submitted my request for the building permit to the Respondent and that while waiting for the said permit I came to learn that the Land Officer for ……District had made communication to the Land Commissioner to the effect that I should go on developing the said plot. Annexed hereto and marked "Exh. 5" is a copy of the letter to the Land Commissioner from the Land Officer (…….. District). I crave for leave of the court to refer to it as part of this affidavit.

7. That on the premises I pray that the prayers as set forth in the Chamber Summons be granted by this Honourable Court.

VERIFICATION

That all what is stated in paragraph 1 to 7 is true to the best of my knowledge.

AFFIRMED/SWORN at …… by)
……..)
who is personally known to) ……
me/has been identified to me by ……..)
The later being personally known to me) **DEPONENT**
this ……. day of ……, …….)

BEFORE ME:

…….
COMMISSIONER FOR OATHS

Presented for filing this ……. Day of ……, …….

……
REGISTRY OFFICER.

COPY TO BE SERVED UPON:
THE RESPONDENT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID CENTRE
P.O. BOX 75254
DAR ES SALAAM

Chamber Summons under Magistrates Court Act, 1984

IN THE HIGH COURT OF TANZANIA
(…….. DISTRICT REGISTRY)
AT ……..

MISC. CIVIL APPLICATION NO. --------- OF …..……..

(From Employment Cause No. ……of ……., in the Resident Magistrate's Court of …… at …….. (……. RM)

BETWEEN

---------- APPLICANT

AND

---------- RESPONDENT

CHAMBER SUMMONS

(Made under sections 43(2) and 44 of the Magistrate's Court Act, 1984; Section 79 of the Civil Procedure Code, 1966; and any other enabling provisions of the law)

LET ALL PARTIES CONCERNED appear before the Honourable Judge sitting in Chambers on the ---------- day of ----------, …… at ……. O'clock in the forenoon or soon thereafter when counsel for the Applicant can be heard upon an Application for the following orders:-

1. That this Hon. Court be pleased to revise Orders and Judgment issued in Employment Cause No…….of…….

2. Costs of this application be provided for.

3. Any other relief(s) and/or order(s) that this Hon. Court may deem just and equitable to grant.

The Affidavit of **……** annexed hereto shall be relied upon in support of this Application together with any other arguments and reasons to be advanced at the hearing of this Application.

Dated at Dar es Salaam this ……. day of …….., ……..

…….
REGISTRER

Presented for filing this …….day of ……., ……..

……..
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE RESPONDENT

DRAWN AND FILED BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Chamber Summons under S. 95& 97 of CPC

IN THE HIGH COURT OF TANZANIA

(……. DISTRICT REGISTRY)
AT ……..

CIVIL CASE NO. ……**OF** ……

…….……..APPLICANT/PLAINTIFF

VERSUS

……RESPONDENT/DEFENDANT

CHAMBER SUMMONS

(Made under SS.93 and 95 of the Civil Procedure Code 1966 and any other enabling provisions of the law)

LET ALL PARTIES CONCERNED appear before the Honourable Mr. Justice ……sitting in Chambers at the High Court of Tanzania, …… on the ……day of ……., ……. at…….O'clock in the forenoon or soon thereafter as the Applicant's counsel can be heard upon an application for orders that:-

1. This Honourable Court be pleased to extend the time within which the Applicant can apply to …….
2. This Honourable Court be pleased to ……
3. This Honourable Court be pleased to …….
4. Costs of this application be provided for.
5. Any other order(s) this Honourable Court may deem fit to grant.

This application has been taken out on the grounds and reasons set-forth in the affidavit of ……. , the Applicant which is annexed hereto and on further grounds and reasons to be adduced at the hearing.

Dated at …….. this …….. day of ……., …….

……..
DISTRICT REGISTRAR

Presented for filing this……. day of ……., …….

……..
REGISTRY OFFICER

COPY TO BE SERVED UPON
THE RESPONDENT

DRAWN GRATIS BY:
LEGAL AID UNIT - MAGOMENI
LEGAL AND HUMAN RIGHTS CENTRE
P.O. BOX 75254
DAR ES SALAAM

Applicants reply to written submission

IN THE DISTRICT COURT OF …….

AT ……

MISC. CIVIL APPLICATION NO. …../…….

…..……..……. APPLICANT

VERSUS

…….. ……RESPONDENT

APPLICANT'S REPLY TO THE WRITTEN SUBMISSION ON PRELIMINARY OBJECTIONS BY THE RESPONDENT

May it please Your Honour,

……
……
……

Your honour, in view of what we have submitted herein we therefore pray that the Respondent's preliminary objections be over-ruled.

We humbly submit,

Dated at ……. this ……. day of……., ……...

…….
APPLICANT'S ADVOCATE

COPY TO BE SERVED UPON:
THE RESPONDENT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Arbitration Petition

IN THE HIGH COURT OF TANZANIA

AT …….

IN THE MATTER OF ARBITRATION ORDINANCE CAP 15

AND

IN THE MATTER OF ARBITRATION

BETWEEN

…….……. PETITIONER

AND

…….. ...……. RESPONDENT

PETITION

(Made Under S. 15 of the Arbitration Ordinance Cap. 15, Rules 5, 6, 7, 8 and 9 of the Arbitration Rules, 1957, GN No. 427 of 1957 and any other enabling provisions of the law).

The Petitioner above-named being dissatisfied with the Arbitrator's award dated …….. day of …….., …… petitions this Honourable Court and States as follows:

1……..

2……

3. That after several appearances in Court the Petitioner and the Respondents agreed to submit themselves to Arbitration without the intervention of the Court and the Petitioner requested that the matter in court be adjourned *sine die.* Copy of the Arbitration Agreement dated …….. is annexed hereto marked,----- and the Petitioner craves for leave of the Court to refer to it as part of this petition.

4. That on the ……, the Arbitrator made an Award without giving reasons for the Award. Certified copy of the award is annexed hereto marked,----- and the Petitioner craves for leave of the Court to refer to it as part of this petition.

5. That the relief sought by the Petitioner is an order of this Honourable Court to set-aside the award and to refer to it as part of this petition.

6. That the grounds upon which the above relief is sought are:

WHEREFORE the Petitioner prays for:

(a) an order to set aside the award.

(b) …….

(c) Costs of the Court and costs of the arbitration.

(d) Any other relief or reliefs which this Honourable Court may deem fit to grant.

DATED at ……. this ……. day of ……., ….……

…….
PETITIONER

VERIFICATION

I……..… the Petitioner herein DO HEREBY state that what is state above is true to the best of my knowledge.

DATED at …….. this …… day of ……, …….

……....
REGISTRY OFFICER

COPY TO BE SERVED UPON:

THE RESPONDENT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Arbitrary Petition

IN THE HIGH COURT OF TANZANIA

AT ……..

MISC. CIVIL CAUSE NO. OF ……..

IN THE MATTER OF ARBITRATION ORDINANCE CAP. 15

AND

IN THE MATTER OF ……

BETWEE

…….....PETITIONER

AND

……..RESPONDENT

PETITION FOR ARBITRATION

(Under sections 14,15 and 16 of the Arbitration ordinance cap 25, Rules 5,6,7, 8 and of the Arbitration Rules, 1957, GN. No. 427 of 1957 and other enabling provisions of the law)

The petitioner above- named being dissatisfied with the Arbitrator`s award dated the ……day of ……. Petitions this Hon. Court and states as follows:

1. That on…….. the petitioner and the Respondent entered into an agreement for the former to execute, for the latter, a project consisting of blocks of flats with associated works of garage blocks and site works including drainage works and road works. Copies of the submission together with the General Specification of Workmanship and Materials which form part of this petition are annexed here to and marked "Annexure ……. and ……..
2. That on……the Respondent wrote to the Petitioner determining his employment.
3. That the petitioner disputed such determination of employment.
4. That ultimately the parties agreed to proceed to arbitration. Copies of relevant documents submitted to the Arbitrator by the petitioner and the Respondent which

form part of this petition are marked "Annexure……. And "Annexure…….. respectively.

5. That the petitioner and the Respondent sent to the Arbitrator written final submissions. Copies of the written submissions which form part of this petition are annexed hereto and marked "Annexure…….and Annexure……..respectively.

6. That on the …….. day of ……. the Arbitrator made an Award. Certified copies of the Award and "Reasons for the Award" which form part of this petition are annexed hereto and marked "Annexure……. and "Annexure…….. respectively.

7. That the relief sought by the petitioner is:

   (i) An order to

   ……

   ……

8. That the grounds upon which the above relief is sought are;

   (ii) The Arbitrator erred in law in holding that

   ….....

   ……

   ……

   Arbitrator erred in law in…….....

   ……..

   ……

   ……

   ……

   (iii) The Arbitrator erred in law in holding that the …….

   ……

   ……

   (iv) The Arbitrator erred in law in failing to hold the ……

   ……..

   ……..

   ……..

   ……..

(v) The Arbitrator erred in law in holding that the

……..…

……..

……..

……

(vi) The Arbitrator erred in law in determining the cost of the award in the sum of Shs. …….. without any evidence to that effect.

That the Arbitrator's errors of law constitute misconduct on his part.

WHEREFORE, the petitioner prays for;

(i) An order to remit the said award to the reconsideration of the arbitrator and determination according to law.

(ii) Costs in this Honorable court, cost of the reference and costs of the award.

(iii) Any other relief or reliefs which this Hon. Court may deem fit to grant.

DATED at …….. this…….day of ……,……

……

PETITIONER

VERIFICATION

I,…….., Director of the petitioning company DO HEREBY state that what is stated above is true to the best of my knowledge.

DATED at ……. this…….day of ……,…..…….

……..

PETITIONER

TO:

THE REGISTRAR

HIGH COURT OF TANZANIA

P.O. BOX 9004

DAR-ES-SALAAM

Presented for filing this …….. day of ……,……..

……

REGISTRY OFFICER

COPY TO BE SERVED UPON:

THE RESPONDENT

DRAWN AND FILED BY:

LEGAL AND HUMAN RIGHTS CENTRE

LEGAL AID UNIT

P.O. BOX 75254

DAR-ES-SALAAM

Applicants written submission for prerogative orders

IN THE HIGH COURT OF TANZANIA
(…….. DISTRICT)
AT ……

MISCELLANEOUS CIVIL APPLICATION NO. ….. OF …….

IN THE MATTER OF AN APPLICATION BY ……. FOR ORDERS OF CERTIORARI AND MANDAMUS

AND

IN THE MATTER OF THE ……

BETWEEN

1.
2. **…… APPLICANTS**
3.
4.

AND

1. **MINISTER FOR** ……...
2. **THE HON. ATTORNEY GENERAL** **RESPONDENTS**
3.

APPLICANTS' WRITTEN SUBMISSION

(Pursuant to the order of this Honourable Court (……. J,) issued on ……., ……)

Madam Judge and My Lords,

We are representing ……. employees of the 1st Respondent (……..) who are praying in this application for orders from this Honourable Court to, inter-alia, quash the decision of the (Industrial Court of Tanzania) …….and the 1st Respondent and direct the 1st Respondent to ……..

That on the premises and on behalf of the applicants it is prayed that: -

On grounds that: -

(a) ……

(b) ……..

Madam Judge and My Lords,

I humbly submit,

……..
ADVOCATE FOR THE APPLICANTS

COPY TO BE SERVED UPON:

1. THE MINISTER FOR TRADE AND INDUSTRIES

2. THE ATTORNEY GENERAL

DRAWN GRATIS AND FILED BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Memorandum of Consent under Companies Act

IN THE HIGH COURT OF TANZANIA

…… DISTRICT REGISTRY

AT …….

MISCELLANEOUS CIVIL CAUSE NO. ….. OF ……

[CONSOLIDATED WITH MISC. CIVIL CAUSE NOS. ……., …….. BY

ORDER OF THE COURT DATED ……..]

IN THE MATTER OF THE COMPANY ORDINANCE

AND

IN THE MATTER OF…… ……..

BETWEEN

…….. ……APPLICANT/PETITIONER

AND

THE REGISTRAR OF COMPANIES ……. RESPONDENT

AND

……. OBJECTORS

MEMORANDUM OF CONSENT TO A COURT ORDER
[Order XLIII Rule 2 (Proviso) of the Civil procedure Code, 1966]

WHEREAS this Honourable Court issued, on ……. an Order allowing the withdrawal of the following companies from the Process of Provisional Liquidation:

WHEREAS the Provisional Liquidator, Hon……, is now in the process of finalizing a Scheme within 3 weeks whereby the entire assets of all the 10 companies are going to be considered as a whole;

and

WHEREAS the assets of ……. and the removal from the process and Provisional Liquidation will disable the Provisional Liquidator from including that portion of …… from the Scheme;

and

WHEREAS the finalization of the Scheme by the Provisional Liquidator now obviates the need for a part of ……. business to start the restructuring process;

and

WHEREAS in the process of finalizing the Scheme the entire assets of all the ten companies are going to be considered as a whole;

and

WHEREAS in the light of the near completion of the Scheme, the need to release from the process of provisional Liquidation those companies against which no objection was lodged in court to enable them to speedily start the restructuring process is no longer necessary;

Now, **THEREFORE** the Advocates for the undersigned pertinent parties **CONSENT** to the prayer that will be made on behalf of the Provisional Liquidator to the Honourable Court, that prayer being:

The Honourable Court be pleased to restore

a)…….

As Applicant/Petitioners in Miscellaneous Civil Application No. …..of ……..and those companies be fully in the ambit of the mandate of the Provisional Liquidator as is the case with the other seven companies.

Dated at …….. this ….. day of ……, ……..

…… ……

(Advocates for the Provisional Liquidator)

……

(Advocate for the Petitioners)

…….

(Advocate for ……)

Presented for filing this …….. day of ……., …… …….

…….
REGISTRY OFFICER

FOR SERVICE UPON:
RESPONDENT AND OBJECTOR

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Divorce Petition

IN THE RESIDENT MAGISTRATE'S COURT OF ……..

AT ……

MATRIMONIAL CAUSE NO. ..……. OF ……..

…… PETITIONER

VERSUS

…….……. ……RESPONDENT

PETITION FOR DIVORCE

The above named petitioner states as follows:

1. That the Petitioner, a …….. resides in …… and her address of service for purposes of this petition is:
2. That the respondent, …….. resides in …….. and his address of service for purposes of this petition is:
3. That the petitioner …….. was, on …….. …….. ……. lawfully married to the respondent …….. in a …….. marriage celebrated at ……. Attached hereto is a copy of the marriage certificate marked "Annexure A1" and the petitioner craves for leave of this honourable court to refer to it as part of this petition.
4. That after the said marriage, the petitioner lived and cohabited with her husband at ……. up to …….
5. That the petitioner and her husband have had …….. issues of their marriage, viz.
   i. ……., a girl/boy, aged…… years.
   ii. ……., a girl/boy, aged…… years

6. ……..

7. That, the petitioner did undertake to refer the problems to the …….. but to no avail. Attached here to are the different letters from the Reconciliation Board marked, "……" and the petitioner craves leave for this honourable court to refer to it as part of this petition.
8. During the life of the Marriage the following properties were jointly acquired namely:
   a)……
   b)……
   c)…….
9. That, the petitioner and the respondent last resided at ……., which is within the Jurisdiction of this honourable court.
10. There has been no proceedings in any Court in Tanganyika or elsewhere with reference to this marriage.

11. That, no collusion exists between your petitioner and her husband for the purpose of obtaining a dissolution of their marriage or for any other purpose nor has your petitioner connived at nor condoned his conduct.

WHEREFORE the petitioner prays for:

(i) The Court decree of dissolution of the marriage.
(ii) Division of Matrimonial Assets.
(iii) Custody of the issues of the marriage.
(iv) Maintenance of the Children.
(v) Costs of the Petition.
(vi) Any other relief(s) this honourable court may deem fit and just to grant.

Dated at ……. this ……. day of ……., …….

……
PETITIONER

VERIFICATION

What is stated above from paragraphs 1 – 18 is true to the best of my knowledge.

……
PETITIONER

Presented for filing this …….. day of ……., ……..

……..….
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE RESPONDENT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Divorce Petition

IN THE RESIDENT MAGISTRATE'S COURT OF ……

AT …….

MATRIMONIAL CAUSE NO. …….. OF …….

…… ……PETITIONER

VERSUS

…… RESPONDENT

PETITION FOR DIVORCE

The Petitioner herein above named states as follows:-

1. That the Petitioner is an adult Resident of …… and his/her address of service for purposes of this petition is:…….
2. That the Respondent's address for purposes of service shall be pointed to the Court Process server by the Petitioner.
3. The Petitioner and the Respondent lawfully married on ….. of ….. ….. and they cohabited at ……. since then.
4. That the marriage between the Petitioner and the Respondent has been blessed with …….. issue, to wit, ……. having been born on the …….day of ……. , ……..
5. ……..
6. That after the separation a lot of effort was put to try to resolve the differences through …….. and the Marriage Conciliatory Board to no avail. Copy of the Marriage Conciliatory Board's letter to the Resident Magistrates Court of …….. at ……. to that effect is annexed hereto marked "……." and the Petitioner craves for leave of the Court to refer to it as part of this petition.
7. That honest to their conscience the parties herein resolved that their marriage has broken down irreparably. Copy of a letter dated ……. to that effect duly authenticated by both parties is annexed hereto marked "……" and the Petitioner craves for leave of the Court to refer to it as part of this petition.
8. That on the premises the Petitioner avers categorically that his marriage to the Respondent has irreparably broken down.
9. That both the Petitioner and the Respondent reside in …… and that the cause of action arose within the jurisdiction of this Honourable Court.

WHEREFORE the Petitioner prays for the following orders:

(a) A declaration that the marriage has broken down irreparably.

(b) An order to dissolve the marriage and a decree for Divorce be granted.

(c) Any other relief this Honourable Court deems fit to grant.

DATED at ……. this …….. day of ……. ……. ….

……
PETITIONER

VERIFICATION

I, **……** do hereby verify that all what is stated herein above is true to the best of my knowledge.

……
PETITIONER

Presented for filing this ……. day of …… ……..……...

……..…….
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE RESPONDENT,

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Affidavit

IN THE COURT OF THE RESIDENT MAGISTRATE OF ……..

AT …….

MATRIMONIAL CAUSE NO …….. OF ……..

……..APPLICANT/PETITIONER

VERSUS

……...…….RESPONDENT

AFFIDAVIT

(In support of Chamber Summons made under O.IX r. 4, s. 95 of the Civil Procedure Code, 1966 and any other enabling provisions of the law)

I, ……, adult Christian/muslim and Resident of ……..**DO HEREBY** make **OATH** and **STATE** as follows:

1. That I am …….
2. …….
3. …….
4. …….

VERIFICATION

All what is stated in paragraphs 1 to…….is true to the best of my knowledge.

SWORN /AFFIRMED by the said)
……)
who is personally known to)
me/ has been identified to me by……) ……..
The later being personally known to me)
this……day of……...) **DEFENDANT**

BEFORE ME:

…….…….

COMMISSIONER FOR OATHS

Presented for filing this…… day of ……., ……..

……
REGISTRY CLERK

COPY TO BE SERVED UPON:
THE RESPONDENT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

AFFIDAVIT VERIFYING THE PETITION

I, …….. P.O. Box ……, (Religion) do hereby make oath and say as follows;

1. The matters stated in paragraphs 1 to 7 of the petition are true and I know the same of my own knowledge. I refer to the Affidavit attached hereto. I also refer to the certificate of my marriage attached here to.
2. The matters stated in paragraph 8 (a), (b), (e) and (f) of the petition are true and know the same of my own knowledge. My knowledge of the matter stated in paragraph 8 (c) and (d) of the petition is derived from information supplied to me by …….. of P.O. Box …… and I believe the same to be true. I refer to the birth certification of the said …….. attached hereto; marriage certificate of the said …….. and his deceased wife and death certificate of the said deceased wife attached hereto.
3. My knowledge of the matter contained in paragraph 9 of the petition is derived from information supplied to me by ……. and I believe the same to be true.
4. The matter contained in paragraph 10 of the petition is true to the best of my knowledge.
5. The matters contained in paragraphs 12 and 13 of the petition are true and I know the same of my own knowledge. I beg to refer to the consents of (a) …….. (the parent) and (b) ……. (spouse of petitioner) attached hereto.

SWORN at **……** by the said }
…… identified to me by }
……. Who is known to }
me personally in my presence this ……... }

_____
DEPONENT

day of ……. }

BEFORE ME:

_____

COMMISSIONER FOR OATHS

DEED OF SEPARATION

THIS DEED OF SEPARATION is made this ……. Day of ……,……..….

BETWEEN

…….. OF P.O. Box …….. , Dar-Es-Salaam (hereinafter called the "HUSBAND") of the one part,

AND

……. OF P.O. Box ……, Dar-Es-Salaam (hereinafter called the "WIFE") of the other part.

WHEREAS unhappy differences have arose between the **HUSBAND** and the **WIFE** and they have mutually agreed to live apart from each other and to enter the arrangement hereinafter contained

AND WHEREAS the married couples are blessed with three children namely:

1) …….
2) …….
3) …….

NOW THIS DEED WITNESSES and the parties hereto mutually agree as follows:

1. The wife may at all times hereinafter live separate and apart from the husband in all respects free from the control and authority of the husband.
2. That the HUSBAND who accepts responsibility for the breakdown of the marriage shall be responsible for the institution and costs of the Matrimonial proceedings for divorce.
3. That the HUSBAND undertakes to immediately hand-over to the WIFE, her share of the matrimonial property which by consent of both parties, the share of the WIFFE'S matrimonial property is as follows;

    a) ……
    b) ……
    c) ……

4. That although the ……..(item (5) in the list in paragraph 3 herein above) shall remain in the possession of the WIFE, the HUSBAND undertakes to complete payments of the purchase price as the said property was purchased on credit terms.
5. That in the event the HUSBAND defaults in payments in respect of the …….. to in the foregoing paragraph and the vehicle is attached or seized the HUSBAND shall pay the WIFE T.shs…….. which was the original purchase price of the vehicle.
6. That hand over of the property and payment of cash as listed in paragraph 3 here in above shall be made by the HUSBAND to the WIFE prior to any proposed marriage of the HUSBAND to any other woman of his choice
7. That in the event the HUSBAND defaults in the undertakings made here in above the WIFE shall be entitled to lodge a caveat and or stop any such proposed marriage.
8. That as soon as the HUSBAND fulfils the undertakings made here in above the WIFE shall be entitled to lodge a caveat and or stop any such proposed marriage.
9. That upon fulfillment of all the covenants herein, neither the HUSBAND nor the WIFE, shall molest or interfere with the other nor will bring a suit for restitution of conjugal rights against the other.
10. That the children shall be at liberty to stay at the place of abode of any of their parents, and the HUSBAND or the WIFE as the case may be, shall allow access and communication with the children to the other party at all convenient and reasonable time.
11. This DEED shall be revoked upon obtaining the divorce decree by the HUSBAND which incorporates the contents of this deed or by the death of either party.

IN WITNESS WHEREOF the parties have signed this DEED on the date first here in before mentioned.

SIGNED and DELIVERED at)
…….. by The said ……...)
who is Personally known to me / has)
been identified to me by…….) _____
The latter being personally known) **HUSBAND'S SIGNATURE**
to me this…… day)
of ……..)

Signature ……..
Postal Address…….
……
Qualification…….

SIGNED and DELIVERED at ……..)
By the said …….who is)
Personally known to me/ has been) …….....
Identified to me by……) **WIFE'S SIGNATURE**
The latter being personally known to me)
This……..day of ……)

Signature …….
Postal Address…….
…….
Qualification……

Divorce Decree

IN THE RESIDENT MAGISTRATE'S COURT OF ……

AT …….

MATRIMONIAL CAUSE NO. ……..OF ……

…… PETITIONER

VERSUS

……..……. RESPONDENT

DECREE OF DIVORCE

The Petitioner prays:-

(a) That the marriage between the petitioner and the Respondent be dissolved

(b) And any other relief (s) which this Honourable Court may deem fit and equitable to grant.

This Petition coming on …… day of……, ……. before Hon……, RM in the presence of the Petitioner, and in the [presence/absence] of the Respondent.

THIS COURT HEREBY ORDERS THAT:

The Decree of Divorce is hereby granted on the basis of the Petition filed and submission made in respect of the same.

BY THE COURT

Given under my hand and the seal of the Court this…….. day of ……., ……...

Signed: ……., RM

Adoption Petition

IN THE HIGH COURT OF TANZANIA

…… DISTRICT REGISTRY

AT ……

MISC. CIVIL APPLICATION No. …… OF …….

IN THE MATTER OF ADOPTION ORDINANCE, CAP. 335

AND

IN THE MATTER OF ……. ---------- INFANT

AND

…… ……---------- PETITIONER

==========

ADOPTION PETITION

The petition of …… and his wife ……. Showeth as follows:-.

1. Your petitioner is desirous of adopting the said …… under the provisions of the Adoption ordinance.
2. Your petitioner is a resident of …….. in …… currently living in ……
3. Your petitioner …….. is by occupation a …… the ……..
4. Your petitioner is married to ……. Who is ……
5. Your petitioner …… is …… years of age and …….. is …… is years of age.
6. Your petitioner and his wife have resident with them the following persons namely:
    1. ……(son/daughter) is …… years old.
    2. ……(son/daughter) is …… years old.

7. Your petitioner is related to the said …….. as follows: The said……..

8. The said …….. is;

(a) of the female/male sex

(b) Unmarried/married

(c) Child of …… of P.O. BOX ……. and ……. (now deceased)

(d) …….. years of age, having been born at ……. on ……

(e) Resident of …….

(f) Now in the actual custody of ……..of …….

9. ……. Of P.O. Box ……, …….. is liable to contribute to the support of the said …….

10. The said ……. has not been the subject of an application order or of an application or petition for an adoption order.

11. Your petitioner undertakes, if this petition is granted, to make the following provision for the said …….. namely: provision for the maintenance, education, …… and supervision of the welfare of the said …….

12. Consents to this petition have been obtained from the following persons:

(a) …… who is the father of the infant.

(b) …….. who is the wife of the petitioner.

13. Your petitioner has not received or agreed to receive and no person has made or given or agreed to make or give to the petitioner any payment or reward in consideration of the adoption of the said ……..

14. It is proposed that the costs of this petition shall be paid by the petitioner.

WHEREFORE your petitioner prays for;

(a) That an order for the adoption of the …….. by your petitioner may be made in pursuance of the Adoption Ordinance with all necessary directions.

(b) That the costs of this petition may be provided for as above mentioned or otherwise as the court may direct.

(c) Such further or other order as the nature of the case may allow.

Dated at ……. this ……. day of ……., …….……..

…….

PETITONER

GIVEN under my **HAND** and **SEAL** of the court this …… day of ……., ….……

……..

REGISTRAR

Presented for filing this …… day of ……., ……

……..

REGISTRY OFFICER

<u>COPY TO BE SERVED UPON</u>:

THE DEFENDANTS

<u>DRAWN AND FILED BY</u>:

LEGAL AND HUMAN RIGHTS CENTRE

LEGAL AID UNIT

P.O. BOX 75254

DAR-ES-SALAAM

UNITED REPUBLIC OF TANZANIA

AFFIDAVIT REGARDING CONSENT TO ADOPTION

I MR/ MRS. …… WILL ADOPT ……. THE …….. OF MY DECEASED ……. AND BRING …….. UP AS MY OWN DAUGHTER / SON.

THIS IS BECAUSE OF THE DEATH OF THE ……. OF …… AND TO RELIEVE THE HARDSHIP TO MY …….

I, TAKE THE ABOVE TO BE A TRUE STATEMENT AND I MAKE THE DECLARATION SOLEMNLY AND CONSCIENTIOUSLY BELIEVING THE SAME TO BE TRUE AND BY VIRTUE OF THE STATUTORY DECLARATION.

DECLARED BY THE ABOVE NAMED …… AT …….. THIS …….. DAY OF ……,…….…….

SWORN at …… by }
The said . …….. }
Identified to me by ……} _____
The latter being known to me } **DEPONENT**
Personally this …… day of }
…… }

BEFORE ME:

_____

COMMISSIONER FOR OATHS

<u>DRAWN AND FILED BY</u>:

LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR-ES-SALAAM

CONSENT OF ADOPTION ORDER

IN THE MATTER OF ADOPTION ORDINANCE CAP. 335

AND

IN THE MATTER OF A PETITION BY …… OF P.O. Box ……. FOR AN ORDER FOR ADOPTION OF ……THE INFANT

I, the undersigned ……. adult, Moslem and resident of Box ……., …… being the father of the infant do hereby state that I understand the nature and effect of the adoption order for which application is made and that in particular I understand that the effect of the order will be permanently to deprive me of my parental rights. And I hereby consent to the making of an adoption order in favour of the petitioner.

In witness whereof I have signed this consent on the …….. day of …… at ……, ……...

……

SIGNATURE

SIGNED by the said ……. In my presence after I had explained the meaning and effect of this consent and of an adoption order to him and he appeared to understand the same.

Signature of the witness: …….

Address: …….

Designation: …….

DRAWN AND FILED BY:

LEGAL AND HUMAN RIGHTS CENTRE

LEGAL AID UNIT

P.O. BOX 75254

DAR-ES-SALAAM

Originating Summons for Basic Rights Duties Enforcement Act

IN THE HGH COURT OF TANZANIA

(…….. MAIN REGISTRY)
AT ……

MISC CIVIL CAUSE No. …… OF ……..

IN THE MATTER OF ……
AND
IN THE MATTER OF …….
BETWEEN

1. …… }
2. …… } ---------- PETITIONERS
3. …… }

AND

THE HON. ATTORNEY GENERAL
OF THE UNITED REPUBLIC OF TANZANIA ---------- RESPONDENT

==========

ORGINATING SUMMONS

(Made under S. 95 of the Civil Procedure Code, 1966, Section …… and ……. Of the Basic Rights and Duties Enforcement Act, 1994, Article ……. of the Constitution of the United Republic of Tanzania, 1977 and any other enabling provisions of the Law)

LET ALL PARTIES CONCERNED attend the Honourable Justice……. in Chambers …….. in the High Court of Tanzania at …….. on the …….day of …… at …… O'clock in the forenoon or soon thereafter on the hearing of the petition on the part of the Petitioners, that this Honourable Court may be pleased to issue declaratory judgment, orders and reliefs that;

(a) The provisions of S. …….. of the …….. be declared unconstitutional and therefore null and void.
(b) The costs of the petition be borne by the Respondent.
(c) Any other reliefs be awarded to the Petitioners as the Court may be pleased to order.

This Originating summons has been taken out on the grounds and reasons set-forth in the affidavit of ……. and …… which is annexed hereto and on any further grounds and reasons to be adduced at the hearing.

DATED at ……. this …… day of ……, …….……..

…….
REGISTRAR

Presented for filing this ……. day of ……, ……..…….

……..
REGISTRY OFFICER

TO BE SERVED UPON:

THE HON. ATTORNEY GENERAL

P.O. Box 9050

DAR-ES-SALAAM

DRAWN AND FILED BY:

LEGAL AND HUMAN RIGHTS CENTRE

LEGAL AID UNIT

P.O.BOX 75254

DAR-ES-SALAAM

Affidavit in support of the originating Summons

IN THE HGH COURT OF TANZANIA

(DAR-ES-SALAAM MAIN REGISTRY)
AT DAR-ES-SALAAM

IN THE MATTER OF ……
AND
……
BETWEEN

1. …… }
2. …… } ---------- PETITIONERS
3. …… }

AND

THE HON. ATTORNEY GENERAL
OF THE UNITED REPUBLIC OF TANZANIA ---------- RESPONDENT

==========

AFFIDAVIT

(Made under S. 95 of the Civil Procedure Code, 1966, Section …… and ……. Of the Basic Rights and Duties Enforcement Act, 1994, Article ……. of the Constitution of the United Republic of Tanzania, 1977 and any other enabling provisions of the Law)

We, …….. and …….., adults, Christians/Muslims and Residents of……., do hereby make OATH /AFFIRM and STATE as follows;

1. That we are the petitioners in this petition thus conversant with the facts we are about to depose.
2. That we are …….
3. That provisions of sections ……. and ……. and …….. of the ……infringe and, or abridge our constitutional rights both as citizens and journalists, as guaranteed by Article …… of the Constitution f the United Republic of Tanzania, 1977.
4. That on the premises, we pray that the orders sought for in the Originating summons be granted by this Honourable Court.
5. That all what is stated herein is true to the best of our knowledge.

SWORN/AFFIRMED at ……by }
The said . …….. }
Identified to me by ……} _____
The latter being known to me } **1ST PETITIONER**
Personally this …… day of }

…… }

SWORN /AFFIRMEDat ……by }
The said . …….. }
Identified to me by ……} _____
The latter being known to me } **2ND PETITIONER**
Personally this …… day of }
…… }

SWORN/AFFIRMED at ……by}
The said . …….. }
Identified to me by ……} _____
The latter being known to me } **3RD PETITIONER**
Personally this …… day of }
…… }

BEFORE ME:

_____
COMMISSIONER FOR OATHS

TO BE SERVED UPON:

THE HON. ATTORNEY GENERAL
P.O. Box 9050
DAR-ES-SALAAM

DRAWN AND FILED BY:

LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O.BOX 75254
DAR ES SALAAM

IN THE HIGH COURT OF TANZANIA

(……MAIN REGISTRY)

AT ……..

MISCELLANEOUS CIVIL APPLICATION NO. …… OF ……

In the Matter of the Constitution of the United Republic of Tanzania, 1977

AND

In the Matter of the ……..

BETWEEN

1……..)
2…….)
3…….) **PETITIONERS**

AND

THE STATE ATTORNEY OF
THE UNITED REPUBLIC OF TANZANIA ……. RESPONDENT

AFFIDAVIT

(Made Under S. 95 of the Civil Procedure Code, 1966, ss. 4 and 5 of the Basic Rights and Duties Enforcement Act, 1994; Article 64(5) of the Constitution of the United Republic of Tanzania, 1977 and any other enabling provisions of the law).

We ……, adults and Residents of …….. do hereby solemnly AFFIRM/SWORE and STATE as follows:

1. That we are the Petitioners in this petition thus conversant with the facts we are about to depose.
2. That we are citizen of the United Republic of Tanzania and……..
3. That the provisions of sections ……..of the ……. infringe our constitutional rights as citizens.
4. That on the premises, we pray that the orders sought for in the Originating Summons be granted by this Honourable Court.
5. That all what is stated herein above is true to the best of our knowledge.

AFFIRMED/SWORN at ……)
by the ……..)
who have been identified)
to me by ……..)
the latter being personally) …….
known to me this……) **DEPONENTS**
day of ……., ……..)

BEFORE ME:

…….
COMMISSIONER FOR OATHS

Presented for filing this …….. day of ……., ……...

……..
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE ATTORNEY GENERAL,
P.O.BOX 9050,
DAR ES SALAAM.

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Statement in application for Prerogative Orders

IN THE HIGH COURT OF TANZANIA

(MAIN REGISTRY)

AT …….

MISC. CIVIL APPLICATION NO. ……OF …….

In the Matter of an Application for leave to apply for Orders of *Certiorari* and *Mandamus* …….
In the Matter of Law Reform (Fatal accidents and Misc. Provisions) Ordinance Cap. 360.

BETWEEN

……. **……..APPLICANT**

AND

……. RESPONDENT

STATEMENT

(Filed pursuant to S.95 of the Civil Procedure Code, 1966 and SS.17(2), 17A(1) and 18(3) of the Law Reform (Fatal Accidents and Miscellaneous Provisions) Ordinance (Cap 360) as amended by Act. No.55 of 1968 and any other enabling provisions of the law).

1. The Applicant is a natural person, resident in …… and a …….. by profession whose address of service for the purposes of this matter is:-
   …….
2. The Respondent is ……and his address of service for purposes of these proceedings is :
   ……..
3. ……..
4. The reliefs sought by the Applicant are *inter alia* for:
   (a) An order of *Certiorari* to.
   (b) An order of Mandamus to
   (c) An order of ……..
5. The grounds upon which the reliefs stated above are sought are as follows:

   (a) ……..

(b) ……
(c) Any other or further grounds with the permission of this Honourable Court.

Dated at ……this …….. day of …….. …….

……
APPLICANT

VERIFICATION

I, **……..**, Applicant, do hereby state that the contents of all the paragraphs of this Statement are true to the best of my knowledge.

Dated at …….. this …… day of ……, ……..……..

……
APPLICANT

Presented for filing this …….. day of ……..., ……..

……..
REGISTRY OFFICER

TO BE SERVED UPON:
THE RESPONDENTS

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)
AT DAR ES SALAAM

MISCELLANEOUS CIVIL APPLICATION NO. …….. OF …..……

In the Matter of the …….,

AND

In the Matter of Law Reform (Fatal Accidents and Msc. Provision) Ordinance Cap. 360
AND
In the Matter of Application for the Orders of Certiorari and Prohibition
BETWEEN

…….. APPLICANT

AND
…….. RESPONDENT

STATEMENT

(Filed pursuant to S.95 of the Civil Procedure Code, 1966; S.17 (2) of the Law Reform (Fatal Accidents and Miscellaneous provisions) Ordinance (Amendment) Act No. 55 of 1968 and any other provisions of the Law.)

1. The Applicant is a natural person, resident of …… engaged in the business of transportation and the proper address for service for the purposes of this Application is in the care of:-
   ……..
2. The Respondent is the …….. and for the purposes of these proceedings his address for service is …….
3. That the Reliefs sought are, *inter alia*:
   (a) An order for *certiorari* to quash the decision of the Respondent of. Copy of the Notice to that effect is annexed to the Affidavit of the Applicant marked "…….".
   (b) An order prohibiting the Respondent from …… ……
   (c) Cost of this application be provided for.
   (d) Any other relief(s) that this Honourable Court may deem just and equitable to grant.

The grounds upon which the relief(s) are sought are:-

(i)……
(ii) ……

DATED at Dar es Salaam this …… day of ……..., ……..

……..

APPLICANT

VERIFICATION

I, …….. do hereby state that all what is stated hereinabove is true to the best of my knowledge.

……

APPLICANT

Presented for filing this …….. day of ……, ……..…….

….…….

REGISTRY OFFICER

COPY TO BE SERVED UPON:

THE RESPONDANT

DRAWN & GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
P.O. BOX 75254
DAR ES SALAAM.

Petition for Declaratory Orders

IN THE HGH COURT OF TANZANIA

(DAR-ES-SALAAM MAIN REGISTRY)
AT DAR-ES-SALAAM

CIVIL CASE No. …… OF ……..
1. IN THE MATTER OF CONSTITUTION OF URT, 1977
2. IN THE MATTER OF BASIC RIGHTS AND DUTIES ENFORCEMENT ACT, 1994

BETWEEN

1. …… }
2. …… } ---------- PETITIONERS
3. …… }

VERSUS

THE HON. ATTORNEY GENERAL
OF THE UNITED REPUBLIC OF TANZANIA ---------- RESPONDENT

==========

PETITION FOR DECLARATORY ORDERS

(Made under S. 95 of the Civil Procedure Code, 1966, Section …… and ……. of the Basic Rights and Duties Enforcement Act, 1994, Article ……. of the Constitution of the United Republic of Tanzania, 1977 and any other enabling provisions of the Law)

The Petitioners above named state as follows:

1. That the Petitioners are members of …….. and their address is:
   ……..
   However their address of service for purposes of this petition is in the care of:
   ……
2. That the Respondent is the Attorney General of the United Republic of Tanzania whose address for the purposes of this petition is:
   The Attorney General ……..
3. That the Petitioners herein aver that some provisions of the (……..) infringe and / or abridge their constitutional rights both as citizens and ……...
4. That the grounds upon which this petition is based are, *inter alia:*
   (i) That S…….. of the…….vests upon the ……..powers to restrict …….contrary to the provisions of Article ……. of the Constitution of United Republic of Tanzania.
   (ii) That S. …… and …….. of the …… vests upon the ……..on the pretext of

upholding public interest and national security contrary to the provisions of Article …… of the Constitution of the United Republic of Tanzania.

5. That insofar as the …… violates the Petitioners rights guaranteed by Article …….. of the Constitution, they are entitled to seek remedy in the High Court of the United Republic of Tanzania in keeping with Article …….. , …… and…… of the Constitution of United Republic of Tanzania and section …….. of the Basic and Duties Enforcement Act, No. 33 of 1994.

SPECIFIC ARTICLES FORMING BASIS OF THE PETITION:

6. The specific article of Part II of Chapter One of the Constitution which is the basis of this petition is Article …….. and …… which:
   (a) Gives every person the right to…….
   (b) Gives every citizen the right to be ……...
7. The offending sections of the ……. as enacted by the Union Parliament on …… day of …… which may substantially and fundamentally violate the basic rights as provided for in Article ……. of the Constitution of the United Republic are:
   (a) …….. which empowers the …….. when granting ……
   (b) …… and ……. Which vests enormous powers likely to be abused by ……..
8. That particulars of facts relied upon in this petition are as averred to in paragraphs ……. And any other evidence that the petitioners shall adduce during trial.
9. Notice of intention to petition pursuant to the Government Proceedings (Amendment) Act, 1994 was duly served upon the Attorney General on the day of ……

WHEREFORE the petitioners herein pray for declaratory orders that:

(a) S. …… and …….. and ……. of the …… be declared unconstitutional.
(b) Costs of this petition be borne by the Respondent.
(c) Any other orders and remedies that the court may deem fit just to grant.

Dated at ……this …… day of ……, …….

……
1ST Petitioner

……..
2nd Petitioner

……
3rd Petitioner

VERIFICATION:

What is stated above is true to the best of our knowledge, information and belief.

…….

1st Petitioner

……..

2nd Petitioner

……

3rd Petitioner

Presented for filing this …….. day of ……,……...

_____

REGISTRY OFFICER

TO BE SERVED UPON:

THE HON. ATTORNEY GENERAL

P.O. Box 9050

DAR-ES-SALAAM

DRAWN AND FILED BY:

LEGAL AND HUMAN RIGHTS CENTRE

LEGAL AID UNIT

P.O.BOX 75254

DAR-ES-SALAAM

Notice of Appeal

IN THE COURT OF APPEAL OF TANZANIA
AT …….

In the Matter of an Intended Civil Appeal No. …… of ……..

…….…… APPELLANT
VERSUS

…… RESPONDENT

(Appeal from the decision of the High Court of Tanzania at …….(Justice, ……., J.) dated …… in Misc. Civil Application No…… of ……..).

NOTICE OF APPEAL

TAKE NOTICE that **…….** being dissatisfied with the decision of the Honourable Justice, ……. given at …….on the ……. day of ……., ……., intends to appeal to the Court of Appeal of Tanzania against such part of the decision as decided that …….
The Address for service of the Appellant is:
It is intended to serve copies of this notice on:

1. Respondent

Dated this ……. day of ……., ……..

…….……
APPELLANT

To: The Registrar of the High Court of Tanzania (……Registry) at …….
Lodged in the High Court of Tanzania at ……Registry this …… day of ……., ……

……
REGISTRY

COPY TO BE SERVED UPON:
THE RESPONDENT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID CLINIC
P. O. BOX 75254
DAR ES SALAAM

Notice of Appeal

IN THE COURT OF APPEAL OF TANZANIA
AT ……

In the Matter of an Intended Civil Appeal No. ------- ……..

BETWEEN

---------- APPELLANT

AND

---------- RESPONDENT

**(Appeal from the Judgment and Decree of the High Court of Tanzania at …….
(……., J.) dated the …… day of ……., Civil Case No. …. of …….)**

NOTICE OF APPEAL

TAKE NOTICE that ……..being dissatisfied with the Judgment and Decree of the High Court (……, J.) delivered at …….. on the ….. day of ……, intends to appeal to the Court of Appeal of Tanzania against the whole of the Judgment and Decree.

The Address of the Appellant is:
DATED at …….. this ……..day of ……., …….

…….
APPELLENT

To: The Registrar of the High Court of Tanzania, …… District Registry.

Lodged in the High Court of Tanzania, ……District Registry this ---- day of ……., …….

……
REGISTRAR

COPY TO BE SERVED UPON:
THE RESPONDENT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID CLINIC
P.O. BOX 75254
DAR ES SALAAM

Memorandum of Appeal

IN THE HIGH COURT OF TANZANIA
AT …….

CIVIL APPEAL NO …… OF……..

(From the original District Court of …… Miscellaneous Civil Application No. …… of ……..)
……. ……. APPELLANT
VERSUS
…….. RESPONDENT

MEMORANDUM OF APPEAL

The Appellant above named being aggrieved by the Ruling of the District Court of …….at …….. (Hon. ……. SRM) in Miscellaneous Civil Application No. …… of ……., hereby appeals against the whole of the ruling and the order thereof on the following grounds:

1. That the learned trial Magistrate erred in law and in fact by ……..
2. That the learned trial Magistrate erred in law and fact to ……
3. That the learned trial Magistrate erred in fact by ……..

WHEREFORE, the appellant prays for the ruling of the trial Court to be quashed and set-aside and Ruling to be entered for the Appellant as prayed for in the Application.

Dated at …….. this ……. day of ……, ……

……..
APPELLANT

Presented for filing this ……. day of ……, ……..

……..…….
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE RESPONDENTS

DRAWN AND FILED BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Reply to Memorandum of Appeal

IN THE DISTRICT COURT OF ……
AT ……..

CIVIL APPEAL NO. ….. OF ……..

(Appeal from the judgment and decree delivered by the Primary Court of …… (……., PCM) dated ……)

……. APPELLANT

VERSUS
…… RESPONDENT

REPLY TO THE MEMORANDUM OF APPEAL

In reply to the Memorandum of Appeal the Respondent herein states as follows:-

1……
2. ……

WHEREFORE the Respondent prays that the appeal be dismissed with costs.

Dated at ……. this …….day of ……., ……..…

……..
RESPONDENT

Presented for filing this ……..day of ……., …….

…….
REGISTRY OFFICER

COPY TO BE SERVED UPON:
THE APPELLANT

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Appellant's Written Submission

IN THE HIGH COURT OF TANZANIA

(…….. DISTRICT REGISTRY)
AT …….

CIVIL APPEAL NO. …… OF …….

(Original Matrimonial Case No. …… of …….in the ……. Primary Court and Civil Appeals No. ……. of …….. in the District Court of …… District – ……., PDM)

…….. APPELLANT

VERSUS

……..…… RESPONDENT

APPELLANT'S WRITTEN SUBMISSION

May it please your Lordship,

Aggrieved by the decision of the District Court of …….District (……, PDM) dated …… February ……in Civil Appeals No. ……. of ……. the Appellant herein appeals to this Honourable Court on the following grounds:

1. That the learned District Magistrate erred in law by ……...
2. That the learned District Magistrate erred in law …….
3. That the learned District Magistrate erred in law and fact by ……..

I wish to argue the aforementioned grounds seriatim as follows:

GROUND NO. 1 - That the learned District Magistrate erred in law by …….

GROUND NO. 2 - That the learned appellant magistrate erred in law by …….

GROUND NO. 3 - That the learned District Magistrate erred in law and fact by **…**……

For the reasons stated above the appellant herein prays that the decision of the Courts below be reversed and an order ……..

I humbly submit,

……
ADVOCATE FOR THE APPELLANT

COPY TO BE SERVED UPON:
THE RESPONDENT

DRAWN GRATIS AND FILED BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Respondents Reply to the Appellants Written Submission

IN THE RESIDENT MAGISTRATE'S COURT OF ……..
AT …….
CIVIL APPEAL NO. ……..

(Appeal from the judgment of the Resident Magistrate's Court of ……..at ……. (……. R.M.) Dated …… in Civil Case No……..)

……. APPELLANT

VERSUS
……..……. RESPONDENT

RESPONDENTS' REPLY TO THE APPELLANT'S WRITTEN SUBMISSION

Your Honour,

I pray that this appeal be dismissed with costs for want of merit, my prayer is supported by the following points …….. ……
1. …….
2. ……..
I humbly submit,

Dated at …… this …….. day of ……., ……....

…….
ADVOCATE FOR THE RESPONDENT.

Presented for filing this …… day of ……., …….

……

REGISTRY OFFICER

DRAWN & FILED BY:
THE RESPONDENT

COPY TO BE SERVED UPON:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

IN THE LAND AND HOUSING TRIBUNAL OF TANZANIA

AT ……..

APPEAL NO. …..OF ……..

---------- APPELLANT

VERSUS

----------RESPONDENT

CROSS-APPEAL

(Original from the Ward Tribunal No. …….. and further to the Appeal No. ….. of ……..)

The respondent above named being aggrieved by the Judgment and decree of the ward tribunal …….. in *Application No. ……. (……..)* delivered on ……., …….. and further to the *Appeal No. …..of* ……. lodged by the above named Appellant do hereby *Cross-Appeal* against the said judgment and decree on the following grounds:-

……..
……
……

WHEREFORE the Respondent prays for the judgment and decree as prayed for in an Application filed on ……...

Dated at ……. this …… day of ……..., …….

APPELLANT

Presented for filing this …….day of ……..., ……

……

COURT CLERK

COPY TO BE SERVED UPON:
THE APPELLANT

DRAWN GRATIS AND FILED BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Petition for Letters of Administration

IN THE HIGH COURT OF TANZANIA
AT …….

PROBATE AND ADMINISTRATION CAUSE NO…….. OF …….

In the Matter of the Estate of the Late ……..

AND

In the Matter of the Application for Letters of Administration by
……

PETITION FOR LETTERS OF ADMINISTRATION
(Section 56 of Probate and Administration Ordinance)

I, **……,** of P.O. Box ……. hereby petition this Honourable Court for grant of letters of administration of the late **……,** who died at ……. on the ……..day of …… , …….

1. That the said deceased left surviving him the following relatives

2. That this petition is made by me as the ……. of the deceased.

3. That I believe that the assets which are likely to come to my hands will be:
……

4. That the said deceased died intestate and due and diligent search has been made for a WILL but none has been found.

5. That the deceased at the time of his death had a fixed place of abode at …… and had property within the jurisdiction of this Honorable Court.

6. That the said deceased was a Tanzanian and professed the ……. religion.

7. That no proceedings for the grant of probate or letters of administration or otherwise for the administration of the estate of the deceased have been commenced before any court or authority whether inside or outside Tanzania.

8. And I, **……..,** the petitioner above-named declare that what is stated above is true to the best of my knowledge.

DATED at …….. this …… day of ……..., ……...

.

……

PETITIONER

Presented for filing this …… day of ……, ……..……

……..
REGISTRY OFFICER

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Caveat

THE LAND REGISTRATION ORDINANCE (CAP. 334)

CAVEAT

(SECTION 78(1))

TITLE NO. ……..
L.O. NO. ……..
PLOT NO. ….. BLOCK '….'
…….

I, **……** of P. O. Box……..;…….

CLAIM an interest in the land registered under the above reference and **REQUIRE** a Caveat to be entered against the estate registered in the name of **……** of P. O. Box ……;

I do hereby solemnly and sincerely declare as follows:

1. ……..
2. ……..

That I therefore strongly believe that if a caveat is not entered against the above mentioned estate, the said property will be disposed of, mortgaged or transacted in any manner as such I will be deprived of the same in that I will have to suffer enormous loss.

I, ……., do make this declaration conscientiously believing the same to be true and in accordance with the provisions of the Oaths (Judicial Proceedings) and Statutory Declarations Act, 1966.

DECLARED by……..)
……. At…….)
……who is personally know) …….
To me /has been identified to me) **DEPONENT**
this …….day of …… .)

BEFORE ME:

Name: …….

Signature: …….

Address: …….

Qualification: …….

IN THE HIGH COURT OF TANZANIA

(…… DISTRICT REGISTRY)
AT ……..

PROBATE AND ADMINISTRATION CAUSE NO: …….OF ……

In the matter of the Estate of the late ……

AND

In the matter of grant of letters of Administration to ……

ACCOUNTS OF ESTATE

(Section 103, Rule 107 of Probate and Administration Ordinance and the Rules thereof)

Date of Grant: …….day of ……. , ……

		VALUE
1.	Estate as per Inventory	……..
2.	Estate realized	…….
3.	Gain/loss on realization:	……..

GROSS ESTATE

Payments:

1. Funeral Expenses ……
2. Debts ……..
3. Administration Expenses ……..
4. Net estate available for distribution ……

The aforesaid residue of …….. has been divided to:-

a) …….

b)…….

I, ……. the administrator of the estate of ……hereby certify that the foregoing accounts are true to the best of my knowledge and belief.

DATED at ……. this …….. day of ……, ……. ……..

SIGNATURE OF ADMINISTRATOR

Presented for filing in Court this ---------- day of ……., …….

REGISTRY OFFICER

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

Administrators' Bond with Surety

IN THE COURT OF RESIDENT MAGISTRATE OF

……. AT …….

PROBATE AND ADMINISTRATION CAUSE NO. …… OF ……

In the Matter of the Estate of the Late …….

AND

In the matter of the late Administratrix ……

AND

In the matter of the Application for Letters of Administration by ……

ADMINISTRATION BOND WITH SURETY
(Section 67, Rule 66 of Probate and Administration Ordinance)

KNOW ALL MEN BY THESE PRESENTS that we, …… of P.O. Box ……, ……, …… of P.O. Box …….., ……. are jointly and severally bound unto **……** in the sum of shillings ……./= to be paid to ……. or to any Judge of the above Court for the time being for the payment of which we bind ourselves and each of us and our heirs, executors, administrators and assigns.

Dated this …… day of ……..., …….

NOW the condition of this bond is such that if the above named **……** the intended administratrix of all and singular the property and credits of **…….**deceased, do make a full and true inventory of the said property and credits and exhibit the same in this Court within …… from the date of the grant to her, or within such further time as the Court may from time to time appoint, and do well and truly administer the said property and credits according to law; and further do render to this Court a true account of the said property and credits within one year from the date of the said grant or within such further time as the Court may from time to time appoint, and all the rest and residue of the said property and credits which shall be found remaining upon the said administratrix's account shall deliver and pay unto such person or persons, respectively as shall be lawfully entitled to such residue, then this obligation shall be void and of none effect or else remain in full force and virtue.

DECLARED by……..
…… At…….
……who is personally know
To me /has been identified to me
this …….day of ……

…….
DEPONENT

DECLARED by……..
…… At…….
……who is personally know
To me /has been identified to me
this …….day of ……

…….
DEPONENT

…….
SIGNATURE OF WITNESS

Administrators' Oath

IN THE COURT OF RESIDENT MAGISTRATE

OF …….. AT ……

PROBATE AND ADMINISTRATION CAUSE NO. ……. OF …….

In the matter of the Estate of the Late ……

AND

In the matter of Application for letters of Administration by ……..

ADMINISTRATOR'S OATH

(Section 66, Rule 65)

I, …….., of P.O. Box ……. hereby make Oath and say that I will well and faithfully administer the estate of the above-named deceased person, by paying first his just debts and then distributing the residue of his estate according to the law, so far as the said assets will extend and that I will make and exhibit a full and true inventory of the said property and credits in this court within six months from the date of the grant to be made to me or within such further time as the court may from time to time appoint, and will also render a true account of my administration to this court within one year from the same date or within such further time as the court may from time to time appoint.

DATED at …….. this ……. day of ……., …….

DECLARED by……..
……. At…….
……who is personally know
To me /has been identified to me
this …….day of ……

…….
DEPONENT

BEFORE ME:

…….
COMMISSIONER FOR OATHS

Certificate of surety's financial position

PRO - 04

IN THE COURT OF ……OF ……

AT …….

PROBATE AND ADMINISTRATION CAUSE NO. ….. OF ……..

In the matter of the Estate of the Late ……

AND

In the matter of late Administratrix ……

AND

In the matter of Application for letters of Administration by …….

CERTIFICATE AS TO SURETY'S FINANCIAL POSITION

I …….. of P.O. Box …… ,…… hereby certify that I have known ……. For ….years past and I believe that he is well and truly in a position to meet his obligation under the bond of ……. executed by him in the above cause.

DATED at …….. this …… day of ……..., …….

…….
APPLICANT

……..

WITNESS

Consent Note

PRO - 05

IN THE COURT OF …… OF ……

AT ……..

PROBATE AND ADMINISTRATION CAUSE NO. ……. OF …….

In the matter of the Estate of the Late …….

AND

In the matter of Application for letters of Administration by ……

CONSENT

(Rule 71)

We. (1) …… (Born ……)
(2) …….. (Born …….)
(3) …….. (Born …….)
of ……being the issues of the late **…….** and as such entitled to a share in the estate of the deceased, hereby of our **FREE WILL** give our consent to **……** applying for and obtaining a grant of Letters of Administration of the estate of the deceased.

DATED at ……this ……. day of ……., ……

SIGNED by)
1. ……..) ……..
2. ……..) ……..
3. ……..) ……..

In my presence this ……..day of ……., ……..

BEFORE ME:

……
COMMISSIONER FOR OATHS

Inventory of State

IN THE HIGH COURT OF TANZANIA
(……. DISTRICT REGISTRY)
AT ……..

PROBATE AND ADMINISTRATION CAUSE NO: ….OF ……

In the matter of the Estate of the late ……..

AND

In the matter of grant of Letters of Administration to ……..

INVENTORY OF ESTATE

Section 103, Rule 106
Date of Grant:- …….
ASSETS
1…….
2. ……...

Item No.	**Description**	**Value**
1.	**…….**	**……**
2.	**…….**	**…….**

TOTAL

I, …….., the administrator (executor) of the estate of **…….** hereby certify that the foregoing inventory of the estate is true to the best of my knowledge, information and belief.

DATED at Dar es Salaam this …….. day of ……., ……

……..
ADMINISTATOR

Presented for filing this ……. day of ……., …….

……
REGISTRY OFFICER

DRAWN GRATIS BY:
LEGAL AND HUMAN RIGHTS CENTRE
LEGAL AID UNIT
P.O. BOX 75254
DAR ES SALAAM

AFF - 01

AFFIDAVIT

I, ……, Adult, Moslem/Christian and Resident of Dar es Salaam do hereby **SOLEMNLY AFFIRM /SWEAR** and **STATE** as follows:

1. That I ……..……..

I make this declaration conscientiously believing the same to be true and in accordance with the provisions of the OATHS (Judicial Proceedings) and Statutory Declarations Act, 1966.

SWEAR/AFFIRMED at …….. by the said)
……who has been)
Identified to me by……) …….
The latter being personally known to me) **DEPONENT**
In my presence this…… day of……..., …….)

NAME: ……..
SIGNATURE: ……....

POSTAL ADDRESS: ……..

……...

QUALIFICATION:…….……

Affidavit of Birth

AFFIDAVIT OF THE BIRTH OF

……..……..

I, …….. of
……
do hereby make ***OATH/AFFIRM** and declare as follows:

1. That I am the *Father, Mother, Grandfather, Grandmother, Brother, Sister, Uncle, Aunt, Cousin, Nephews or Near relative of …….…….

2. That the said **…….**
was born at ……..
on the ……. day of …… …… and that *I was present immediately after the birth of the said/I have personal knowledge of the birth of the said/I was informed of the birth of the said …….
by ……..
who is *Father, Mother, Grandfather, Grandmother, Brother, Sister, Uncle, Aunt, Cousin, Nephews or Near relative of …….……..
3. I further declare that the said …..……
*is/was born Male/Female.

Dated at …….. this ……. day of ……., ……...

SWORN/AFFIRMED by the said)
……..)
who is personally known to me/has)
been identified to me by …….) ……
……) **DEPONENT**
the latter being personally known to)
me in my presence this …… day)
of ……, ……. …….)

NAME: **……..**

SIGNATURE: ……..

POSTAL ADDRESS: ……..

QUALIFICATION: ……

IN THE HIGH COURT OF TANZANIA

AT ……

CIVIL REVISION NO. …… OF ……..
(Original Civil Case No. …..of …….. of the Resident Magistrate's Court of ……at ……..)

…...……..APPLICANT/DEFENDANT

VERSUS

…….. RESPONDENT/PLAINTIFF

DECREE

The Plaintiff prays for Judgment and Decree against the Defendant as follows:

1.
2.
3.
4. Interest on ……. Herein above at commercial rate of 40% p.a. from the date of the cause of action to the date of judgment.

5. Interest on …… herein above at the court's rate from the date of judgment to the date when full payment is made.

6. Costs of this suit.

7. Any other relief (s) this honourable court may deem fit to grant

This case coming for final disposal on this …….. day of ……., ……. before Hon. ……

THIS COURT DECREE

(a)

(b) Interest be paid by the …….. to the ……. on the sum of T.shs. ……/= from the date when ……. till payment at court rate.

(c) Further, judgment is entered in favour of the …….in respect of costs/expenses ……..

Given under my hand and seal of the Court this……day of ……., ……..

……

DISTRICT REGISTRAR

IN THE HIGH COURT OF TANZANIA

…….. DISTRICT REGISTRY

AT ……

CIVIL CASE NO …… OF …….

……..PLAINTIFF

VERSUS

……. ……DEFENDANT

DECREE

Wherefore the Plaintiff prays for Judgment and Decree against the defendant for: -

(i) ……
(ii) ……
(iii) Costs of this suit.

This case coming for Judgment on …….. day of …….., …… before Honourable Justice …….. in the presence of …….. and ……..

THIS COURT DOTH HEREBY ORDER THAT:-

1. I declare that the ……..

2. I order that ……..

I grant costs to the……., and I hereby certify for …… (….) advocates. The Plaintiff's suit [stands dismissed/ is granted]

Judgment entered accordingly

Given under my hand and Seal of the Court this …… day of……., …….

…….

Senior Deputy Registrar

THE LAND REGISTRATION ORDINANCE (CAP. 334)
TRANSFER OF A RIGHT OF OCCUPANCY

TITLE NO…….
LO. NO…….

IN CONSIDERATION of the sum of T.Shs. ……/= (T.Shs…….. only)
I, **…….** of P.O. Box …….. do HEREBY TRANSRER to ……..of P.O. Box ……. the right of occupancy registered under the above reference.

SIGNED and **DELIVERED** by)
……..who has been)
identified to me by **…….**) ……
the latter being personally) **VENDOR**
Known to me in my presence this)
…… day of ……., ……)

Name: ….…….

Signature: ……..…….

Postal Address: …….

Qualification:…….……

SIGNED and **DELIVERED** by)
……..)
is personally known to me) ……..……..…….
in my presence this …… day of) **PURCHASER**
……., …….)

Name: ….…….

Signature: ……..

Postal Address: …….

Qualification:…….……

MU - 01

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made this …… day of……, …….

BETWEEN

…… of P.O. Box …….(hereinafter referred to as the "Purchaser") of one part

AND

……of P.O. Box …….(hereinafter referred to as the "Seller") of the other part

WHEREAS ……herein above referred to as the Purchaser

N**OW THIS MEMORANDUM OF UNDERSTANDING WITNESSETH** as follows:-

1. That the **Seller** has agreed with the **Purchase**r That the **Vehicle** shall be handed over by the **Seller** to the **Purchaser** in good running condition and on or before …….. days after signing of this agreement.

IN WITNESS WHEREOF the parties hereto have executed these presents in the manner and on the day and year hereinafter appearing.

SIGNED and **DELIVERED** for ……
……
Who has been identified to me by
……. the latter being
Known to me personally in my presence this
……day of……., ……..

……

Seller

Signature: …….

Postal Address: ……

Qualification:……..

SIGNED and **DELIVERED** by ……
……..
Who has been identified to me by
…….the latter being
Known to me personally in my presence this
……. day of ……., ……

……
Purchaser

Signature: …….

Postal Address: ……

Qualification:……..

MU - 02

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is made this …… day of ……., ……..

BETWEEN

…….of P. O. Box …… (hereinafter referred to as "the ……..") the one part,

AND

…….. of P. O. Box ……. (hereinafter referred to as "the ……") the other part.

WHEREAS the ……

AND WHEREAS ……...

NOW THIS MEMORANDUM OF UNDERSTANDING WITINESSES as follows:

1. ……..

2. ……..

IN WITNESS whereof the parties hereto have set their hands in the manner and on the days and year hereinafter appearing.

SWORN at …….. by)
…….)
who has been identified) ……..
to me by ……..….)
the latter being known to)
me personally this ……)
day of……., ……)

BEFORE ME:

…….

COMMISSIONER FOR OATHS

SWORN at …….. by	)	
…….	)	
who has been identified	)	……..
to me by ……..….	)	
the latter being known to	)	
me personally this ……	)	
day of……., ……	)	

BEFORE ME:

……

COMMISSIONER FOR OATHS

MU - 03

SALE AGREEMENT

THIS AGREEMENT is made this …….. day of …… , …….

BETWEEN

…….. of P. O Box ……..(hereinafter referred to as the **VENDOR**) of the one part,

AND

…….. of P. O. Box ……. (hereinafter referred to as the **PURCHASER**) of the other part.

WHEREAS the **VENDOR** is the lawful owner of ……..
……

AND WHEREAS the **VENDOR** is desirous of selling and the **PURCHASER** is desirous of buying ……..

NOW THIS AGREEMENT WITNESSES as follows:

1. That in consideration of the total sum of T. Shs. ……(say, ……..only) the **VENDOR** sells and the **PURCHASER** buys the ……

2. That by executing this Agreement the **VENDOR** acknowledges to have received the purchase price in full from the **PURCHASER**.

3. That upon execution of this Agreement the **VENDOR** shall give to the **PURCHASER** all necessary documents evidencing ownership of the ……

4. That the **VENDOR** shall assist the **PURCHASER** to have the …… formally transferred to the latter.

5. That in the event the necessary consent is withheld and or registration of the property in favour of the **PURCHASER** is not obtained the **VENDOR** shall refund the purchase price that has been paid.

IN WITNESS WHEREOF the parties hereto have executed these presents on the day and date first above written.

SIGNED and **DELIVERED** by the)
said **……**) ……
who is personally known to me in my) **VENDOR**
presence this ……. day of …….., ……)

Name: ……

Signature: ……

Postal Address:……...

……

Qualification: ……

SIGNED and **DELIVERED** by the)
said **……** who)
has been identified to me by)
……..) ……..……
the latter being personally known) **PURCHASER**
to me in my presence this …….)
day of ……., ……..)

Name: …….

Signature: …….

Postal Address:……

…….

Qualification: …….

DEED POLL

BY THIS DEED, I the undersigned now or latterly called **……..** do hereby absolutely renounce and abandon the use of my former name of **…….** and in lieu thereof **DO ASSUME** from the date hereof my name of **…….** and in pursuance of such change of my name **I HEREBY DECLARE** that I shall at all times hereafter in all records, deeds and instruction instruments in writing in all actions and proceedings and in all dealings and transactions and upon all occasions whatsoever use and sign the said name of **……...**.

AND I HEREBY authorize and request all persons to designate and address me by such assumed name of **…….** and I relinquish my former name of **……..** this ……. day of …….. , ……

SIGNED and **DELIVERED** by the	)	
said **…….** who	)	
has been identified to me by	)	
……..	)	……..……
the latter being personally known	)	**DEPONENT**
to me in my presence this …….	)	
day of ……..., ……..	)	

BEFORE ME:

……..…
COMMISSIONER FOR OATHS

DECLARATION

I, **…….** of P.O. Box …… do hereby solemnly and sincerely declare as follows:-

1. That I am ….....

2. …….

3. ……

I …….. make this Declaration conscientiously believing the same to be true and in accordance with the provisions of the Oaths (Judicial Proceedings) and Statutory Declarations Act. 1966.

This Declaration is made and subscribed by ……..
……..
who is known to me personally
this ……day of ……., …..…

…….
DEPONENT

NAME: ……

SIGNATURE: ……

POSTAL ADDRESS: ……..
……..

QUALIFICATION: …….

POWER OF ATTORNEY

KNOW ALL PERSONS WHOM IT MAY CONCERN

BY THIS POWER OF ATTORNEY given on this……. day of……, …… I, the undersigned, ……of, ……do hereby ordain, nominate and appoint ……..of ……..to be my true lawful ATTORNEY and AGENT for my account and benefit.

Further, I appoint him to be my true and lawful ATTORNEY for and on my behalf to ask, demand, due for and recover, of and from all persons whomsoever, all such sum or sums of money which now are, or shall, or may at any time hereinafter become due, owing, payable or belonging to me; also for me and in my name to settle and adjust accounts as he shall think fit and proper and for that purpose to operate my bank accounts and to manage and transact all my affairs in the United Republic of Tanzania and any other part of the world as may be necessary or most to my benefit and advantage, and to use all lawful ways and means thereto as fully and effectively to all intents and purposes as I might or could do if personally present and acting;

And further, that my said ATTORNEY is hereby vested with full power and authority to substitute and appoint one more Advocate or Advocates to represent me in any law suit, transaction or negotiation, to, remunerate him or them accordingly and to confirm all and whatsoever my said advocate (s) shall lawfully do on cause to be done for and on my behalf by virtue of these presents.

And this Power of Attorney hereby granted shall not be revoked except by way of a similar instrument revoking the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on this **……** day of **……, ……..**

SIGNED and **DELIVERED** by the)
said **……** who)
has been identified to me by)
……..) ……..……
the latter being personally known) **DEPONENT**
to me in my presence this …….)
day of ……..., ……..)

WITNESSED BY AND IN THE PRESENCE OF

……
NOTARY PUBLIC AND COMMISSIONER FOR OATHS

GENERAL POWER OF ATTORNEY

Know all Men Whom it may concern.

That I, (undersigned) ……., do hereby Ordain, nominate and appoint ……, to be my true lawful attorney and Agent, with full power and Authority, for me and in my name and for my account and benefit, to ask, demand, due for and recover, in respect of Rent Agreement entered between I as the Tenant and ……..as the Land Lord in house no…….located at ……..in ……. dated…….

He will have the rights and power to submit in any dispute or arbitration, to sign, seal and execute the necessary acts to that purpose; Also to pay receive and demand receipts for any payment effected or demanded.

I furthermore grant to my said attorney and Agent full power and authority to substitute and appoint one more Attorney or attorneys under him and the same at pleasure to displace and remove, and appoint one more attorney or attorneys under him and the same at pleasure to displace or remove, and appoint another or others, hereby rectifying, allowing, confirming, and promising at all times to ratify, allow and confirm all and whatsoever my said Attorney, his substitute on substitutes shall lawfully do on cause to be done, on or about the remises by virtue of these present.

In Witness whereof I have here into set my hand

This……..day of …….. , ……..……

…….
SIGNATURE OF THE ATTORNEY

BEFORE ME

……..
COMMISSIONER FOR OATHS

SPECIAL POWER OF ATTORNEY

TO ALL WHOM THESE PRESENTS SHALL COME BY THIS POWER OF ATTORNEY GIVEN ON …….. DAY OF ……., … ……..….

THAT, I the undersigned **……** of P.O. Box …….., …….. do hereby ordain, nominate and appoint **……** of P.O. Box ……., ……. to be my true and lawful ATTORNEY and Agent with full power and authority to look after or sell my house which is on ……and to demand for and recover from all persons whosoever all such sums which now are or shall or may at anytime hereinafter become due owing payable or belonging to me.

I, further undertake to rectify and confirm all and whatsoever my said Attorney shall lawfully do or cause to be done.

IN WITNESS WHEREOF I have hereinto set my hand this ……. day of ……., …….

SIGNED and **DELIVERED** by the	)	
said **……** who	)	
has been identified to me by	)	
……..	)	……..……
the latter being personally known	)	**DEPONENT/ATTORNEY**
to me in my presence this …….	)	
day of ……., ……..	)	

BEFORE ME:

COMMISSIONER FOR OATHS