

Powers And Duties Of Superior Courts And Remedies Available For Those Aggrieved By Said Power

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The superior courts have the inherent ability to hear any matter that comes before it, unless a statute or rule limits that authority or grants exclusive jurisdiction to some other courts or tribunals. This doctrine allows a court to control its own processes and to control the procedures before it.

Courts thus have a duty to uphold the law and handle matters with the objective of determining justice in each proceeding before them in a timely and cost effective manner that is conducive to the parties in the legal suit by utilizing efficiently all available judicial and administrative resources within its disposal. Upon the court exercising the said authority, the parties are under an obligation to comply with the directions and orders of the court.

Where a party is aggrieved by the decision take by a court, they make an application for review or appeal the decision.

Appeals

An appeal is process where a previous legal decision is reviewed by a higher authority, and is confined to correcting a wrong conclusion of law or fact. An appeal shall lie to the High Court from the District Courts, Resident Magistrate's Courts and any other tribunal tribunals such as District Land and Housing other tribunal tribunals such as District Land and Housing tribunals, Labour Reconciliation Board and others, the decisions of which are appealable to the High Court. Parties that are not satisfied with the decision of the High Court, the Court of Appeal shall have jurisdiction to hear and determine appeals and correct the judgments when the court perceives it fit to do so.

Review

A review is based on the grievance of the method the trial ran by either the High Court or Court of Appeal. It entails a comprehensive examination of a decision by the same court that rendered the first ruling or a neutral party to ensure its correctness or fairness. Any person considering himself aggrieved by a decree or order from which an appeal is allowed but from which no appeal has been preferred or by a decree or order from which no appeal is allowed may apply for a review of judgment to the court which passed the decree or made the order, and the court may make such order thereon as it thinks fit. A review shall lie against or be made in respect of any preliminary or interlocutory decision or order of the Court unless such decision or order has the effect of finally determining the suit.

If you have any question concerning this memorandum, please reach out to your regular firm contact or the following authors:

Ally M. Kileo
Managing Advocate

+255 769 500 100
+255 787 630 150
ally.kileo@mdmlaw.co.tz

MAIN OFFICE
Msasani Peninsula, Chole Rd,
Golden Heights, 2nd Floor,
Dar-es-Salaam, Tanzania.

T: +255 22 2602382
+255 22 2602250
E: info@mdmlaw.co.tz

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Revision

Revision is the re-examination of legal actions. They may be assumptions made illegally, non-exercise of exercise of jurisdiction irregularly by a lower court. The higher court reexamines the decision made by a lower court to know whether all the legal actions were exercised. Unlike appeal, revision is not a statutory right. The High Court can thus decide to examine or not to examine a decision made by a lower court. The main purpose of a revision is to make sure that justice has been administered properly and to correct any errors that could have led to improper justice.

The High Court may call for the record of any case which has been decided by any court subordinate to it and in which no appeal lies thereto, and if such subordinate court appears to have exercised jurisdiction not vested in it by law; has have failed to exercise jurisdiction so vested; or to has acted in the exercise of its jurisdiction illegally or with material irregularity.

In the Court of Appeal, save where a revision is initiated by the Court on its own accord, an application for revision shall be by notice of motion which shall state the grounds of the application and supported by the affidavit of the applicant.

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