



**LEGAL AND HUMAN RIGHTS CENTRE v. THE MINISTER OF  
HEALTH, COMMUNITY DEVELOPMENT, GENDER, ELDERLY AND  
CHILDREN AND THE ATTORNEY GENERAL**

IN THE COURT OF APPEAL OF TANZANIA

AT MBEYA

CIVIL APPEAL NO. 48 OF 2020

(Mwandambo, J.A, Kitusi J.A. And Mgonya, J.A.)

(Appeal from the Ruling and Order (Decision) of the High Court of Tanzania, District Registry of Mbeya at Mbeya, Monqella, J. dated the 7th day of October 2020 in Misc. Civil Case No. 1 of 2019).

*Civil Practices and Procedure – verification of Affidavit – Whether verification of sub-paragraphs in the affidavit is necessary.*

This case involves an appeal from a ruling of the High Court of Tanzania, where the appellant challenged the decision to strike out a civil case for want of a properly verified supporting affidavit. The initial dispute arose over the verification of the affidavit's paragraphs, particularly paragraph 6, which contained sub-paragraphs. The High Court initially dismissed a Preliminary Objection (PO) regarding the competence of the affidavit but subsequently entertained another PO on the same issue, ultimately striking out the case.

The appellant argued that it was an error for the court to reconsider the issue of verification after already dismissing a previous PO on the matter. They also contended that verification of sub-paragraphs in an affidavit is not a legal requirement.

The respondents, represented by the Attorney General, argued that the court was justified in entertaining the second PO and that verification of sub-paragraphs is necessary.

**Held:**

- (i) Once each paragraph in the verification clause has been verified by the deponent to the best of his knowledge such verification is valid and it is



not mandatory to verify ~~separate~~ sub paragraphs in the affidavit consisting sub-paragraphs.

Appeal is allowed

**Case referred**

- (i) DDL Investment International Limited v. Tanzania Harbours Authority & Two Others, Civil Application No. 8 of 2001 (unreported)
- (ii) Mount Meru Flowers Tanzania Limited v. Box Board Tanzania Limited, Civil Appeal No. 260 of 2018 (unreported)
- (iii) Mukisa Biscuits Manufacturing Company Limited v. West End Distributors Limited [1966] EA 696

Mr. Jebra Kambole, learned advocate, for Appellant.

Ms. Alice Mtulo, learned Senior State Attorney, Messrs. Joseph Tibajuka, and Erasto Baluwa State Attorney for Respondent.