



## **INSTITUTION OF CIVIL PROCEEDINGS**

### **INTRODUCTION.**

The Institution of Civil Proceedings in Tanzania refers to the legal process for resolving civil disputes through the court system. Civil proceedings in Tanzania are governed by the Civil Procedure Code Cap 33. The purpose of the institution is to provide an impartial forum for individuals or organizations to resolve disputes and protect their rights. In insituion of suits there is the Pre trial Process and Trial process. There are laws that govern instition of suits and they are as follows;

- **The Civil Procedure Code of Tanzania CAP 33:** This code sets forth the rules and procedures for civil litigation in Tanzania, including the filing of complaints.
- **The Limitation Act CAP 89:** This act establishes time limits for bringing a lawsuit and may limit the time within which a complaint must be filed.
- **The Evidence Act CAP 6:** This act governs the admissibility of evidence in civil trials and sets forth rules for the presentation of evidence, including the types of evidence that may be introduced and the manner in which it must be introduced.
- **The Advocates Act CAP 341:** This act governs the practice of law in Tanzania, including the representation of clients in civil suits.

### **PRE TRIAL PROCESS**

The pre-trial process in civil suits in Tanzania involves several steps that occur before the actual trial. The following is a general overview of the pre-trial process in civil suits in Tanzania:

1. **Filing a Complaint:** The first step in the pre-trial process is the filing of a complaint by the plaintiff, who initiates the lawsuit. The complaint must include a clear and concise statement of the claim and the relief sought.
2. **Service of Process:** The defendant must be served with a copy of the complaint and a summons, which informs them of the lawsuit and requires them to respond within a specified time period.
3. **Answer:** The defendant must file an answer to the complaint, which is a response to the allegations made in the complaint. The answer may admit or deny the allegations and may include any defenses the defendant wishes to raise.
4. **Discovery:** Discovery is the process of exchanging information between the parties to the lawsuit. During this phase, the parties may request documents and information from each other, as well as depose witnesses, to gather evidence for their case.
5. **Motion Practice:** Either party may file motions before the trial to request a ruling on a



specific issue. For example, a motion to dismiss may be filed if the defendant believes the complaint fails to state a claim upon which relief can be granted.

6. Pre-trial Conference: The court may hold a pre-trial conference to discuss the status of the case and to encourage the parties to reach a settlement or to narrow the issues for trial.
7. Pretrial Order: The court may enter a pretrial order, which sets forth the issues to be tried, the evidence to be presented, and the time frame for trial.

### TRIAL PROCESS

The trial process in civil suits in Tanzania involves several steps and is designed to provide both parties with a fair and impartial hearing. The following is a general overview of the trial process in civil suits in Tanzania:

1. Opening Statements: The trial begins with opening statements from each side, where they present an overview of their case and what they hope to prove.
2. Presentation of Evidence: The parties present their evidence, including witness testimony, documents, and physical evidence. Both the plaintiff and defendant have the opportunity to cross-examine witnesses and challenge the evidence presented.
3. Closing Arguments: After the presentation of evidence, each side makes closing arguments, summarizing their evidence and making a final argument for their case.
4. Jury Instructions: If the case is a jury trial, the judge will give instructions to the jury on the law that applies to the case and the standard of proof required.
5. Jury Deliberation: The jury deliberates, considering the evidence and arguments presented and reaching a verdict.
6. Verdict: The jury returns a verdict, which is a finding of fact on the claims made by the parties. If the case is a bench trial, the judge renders a verdict.
7. Judgment: If the verdict is in favor of the plaintiff, the judge enters a judgment in favor of the plaintiff and may award damages or other relief.