

He DSM

IN THE HIGH COURT OF TANZANIA

AT MWANZA

PC CIVIL APPEAL NO. 3 OF 2001



ORIGINATING FROM MAGU DISTRICT COURT CIVIL APPEAL NO. 27 OF
2000 AND KABILA PRIMARY COURT CIVIL CASE NO.220 OF 1999

MIGEKA NKILIJWA.....APPELLANT

VERSUS

1 ONESMO SUKA
2 NGAMBA SHITEBO.....RESPONDENT

JUDGMENT

MACKANJA, J.

The Appellant lost his appeal before the District Court of Magu District in a judgment which was delivered on 16th on October 2000. Having been aggrieved by that decision he was required to institute his appeal before this court within thirty (30) days from the date of the judgment which he challenges in conformity with the provisions of section 25(i) of the Magistrates' Courts Act, No.2 of 1984. He had therefore to have appealed by 6th of November, 2000. Instead, he instituted his appeal on 14th November, 2000 as shown by ERV 11248345. By simple computation the appeal was lodged eight (8) days out of time. Consequently the appeal fails and it is dismissed with cost.

Mackanja, J.
JUDGE
30th June, 2006

Date: 4/7/2006

Coram: J. R. Kahyoza – DR.

Appellant

1st Respondent

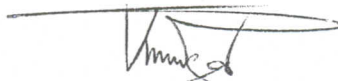
2nd Respondent

} - All present

B/C: P. Alphonse – RMA.

Court:

Judgment read today in the presence of both parties.



J. R. Kahyoza

District Registrar

4/7/06