

H/C Mwanza

IN THE HIGH COURT OF TANZANIA

AT MBEYA

PC. CIVIL APPEAL NO. 52 OF 2002

(From the decision of the District Court of Mbeya
in Civil Appeal No. 4 of 2002 - Original Civil
Case No. 88 of 2000 of Mbalizi Primary Court)

LABSON NGONELA APPELLANT

VERSUS

NAMOTELA BALASISI RESPONDENT

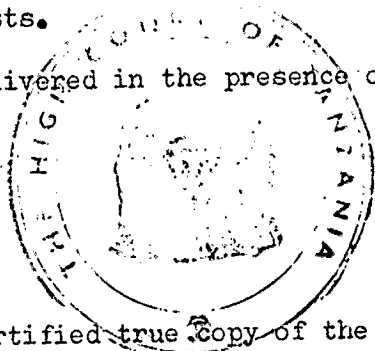
JUDGMENT

MACKANJA, J.

The decision from which it is appealed was delivered on 22nd March, 2002. In order for the appeal to be sustained it ought to have been preferred within thirty days from the date of the decision which is impugned in terms of s. 21 (3) of the MCA, 1984. In the instant case the judgment was delivered on 22nd March, 2002. The appeal was lodged on 30.5.2002. The appellant had, until 21.4.2002 to have appealed. Since the appeal, in terms of the ERV. No. 145 17036 was lodged on 30th May, 2002 it was 39 days out of time.

Upon the fact of the time limitation the appeal is accordingly dismissed with costs.

Delivered in the presence of both parties.

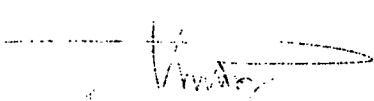


Sgd. J. M. MACKANJA

JUDGE

6/8/2003

Certified true copy of the original Judgment.


DISTRICT REGISTRAR

MBEYA