

IN THE COURT OF APPEAL OF TANZANIA

AT ARUSHA

(Coram: Nyalali, C.J., Mwakasendo, J.A. and Kisanga, J.A.)

CIVIL APPEAL NO. 15 OF 1979

B E T W E E N

STANLEY KARAMA MARIKI APPELLANT

A N D

CHIHIO KWISIA w/o NDERINGO NGOMUO RESPONDENT

(Appeal from the judgment and decree
of the High Court of Tanzania at
Arusha) (Mnzavas, J.) dated the 17th
April, 1978,

in
Civil Appeal No. 53 of 1977

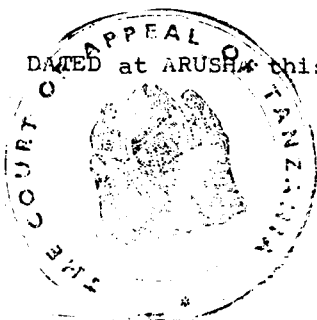
ORDER OF THE COURT

NYALALI, C.J.:

Upon hearing both parties in this appeal, it is hereby
~~directed~~ that the Resident Magistrate-in-charge of the Court of
the Resident Magistrate for Kilimanjaro Region should visit the
land in dispute and in the presence of the parties proceed to
make an assessment on the following matters concerning the land
purchased by the Appellant on authority of a court order:-

- (a) The Value of the buildings erected by the Appellant
after he purchased the land in question but excluding
any buildings erected by the Appellant after he was
informed by Resident Magistrate's Court in April
1977 about the appeal to the High Court at Arusha
and was warned by Resident Magistrate's Court to take
no further action on the land pending that appeal;
- (b) The value of the different types of durable plants
planted by the Appellant after he purchased the land
in question but excluding those planted by him after
he was informed by Resident Magistrate's Court in April
1977 about the appeal to the High Court at Arusha and
was warned by Resident Magistrate's Court to take no
further action on the land pending that appeal;

- (c) The average yield and value of the different types of durable crops planted by the Appellant after he purchased the land in question but excluding any crops planted by him after he was informed by Resident Magistrate's Court in April 1977 about the appeal to the High Court at Arusha and was warned by Resident Magistrate's Court to take no further action on the land pending that appeal;
- (d) The value of rent which would have been reasonably payable in the locality by a tenant if the land including the relevant buildings and durable plants had been let during the period in which the Appellant had been in occupation of the land.



DATED at ARUSHA this 18th day of June, 1981.

F. L. NYALALI
CHIEF JUSTICE

Y.M.M. MWAKASENDO
JUSTICE OF APPEAL



R. H. KISANGA
JUSTICE OF APPEAL

I certify that this is a true copy of the original.

(C. G. MTENGA)

REGISTRAR