

IN THE COURT OF APPEAL OF TANZANIA  
AT DAR ES SALAAM

CIVIL APPLICATION NO. 49 OF 1996  
In the Matter of an Intended Appeal

BETWEEN

IMBARAKA BEGE BEGE ..... APPLICANT

AND

SEIFU ZOGORO ..... RESPONDENT

(Application to strike out the Notice  
of Appeal from the Judgment of the  
High Court of Tanzania at Dar es Salaam)

(Kyando, J.)

dated the 22nd day of December, 1995

in

FC Civil Appeal No. 51 of 1995

R U L I N G

LUBUVA, J.A.:

This is a clear case of breaching rule 83 of the Court's Rules. It is quite evident that after the respondent had filed the notice of appeal on 2.1.1996, he was duly notified by letter from the District Registrar of the High Court, dated 2.5.96. Since then the respondent has taken no steps to proceed with the intended appeal. According to the rules of the Court, the appeal should have been instituted 60 days from the date when the respondent was notified that the copies of the proceedings were ready for collection.

At the hearing of the application the respondent has admitted that he did not comply with the requirement of the Court's Rules, he said he is prepared to face the consequences of the rules. In the result, I am with respect in agreement with Mr. Jadeja, learned counsel that this application should be granted. Accordingly, the application is granted with the result that the notice of the intended appeal is struck out with costs.


It is so ordered.

DATED at DAR ES SALAAM this 14th day of February, 1997.

D. Z. LUBUVA  
JUSTICE OF APPEAL

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



  
M. S. SHANGALI  
DEPUTY REGISTRAR