

**IN THE COURT OF APPEAL OF TANZANIA  
AT DAR ES SALAAM**

**CIVIL APPEAL NO. 92 OF 2001**

**KOSE PASCHAL KASENENE . . . . . APPELLANT**

**VERSUS**

**ZAINABU KOSE KASENENE . . . . . RESPONDENT**

**(Appeal from the judgment of the High court of Tanzania  
at Dar es Salaam)**

**(Bubeshi, J.)**

**dated the 24<sup>th</sup> day of March, 2004**

**in**

**Civil Appeal No. 89 of 1995**

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**ORDER OF THE COURT**

**MROSO, J.A.:**

The court noticed that there is no clear indication from the record that the decree was signed by Judge Bubeshi. Only a typed name of the Judge is reflected in the copy of decree in the record. Mr. Kashumbugu, learned advocate for the appellant, tells the court that he cannot now remember if in fact he received a signed copy of the decree and would need to check in the original court record and, consequently adjournment of the hearing of this appeal.

Ms. Tenga has submitted that the record appears to be lacking a proper decree. The appeal therefore is incompetent and should be struck out with costs.

Unfortunately, the original High Court record has not as yet been received in this Court and we are unable to verify from it if there is a signed decree in it. In the circumstances we give Mr. Kashumbugu the benefit of the doubt and we adjourn the hearing of the appeal so that he can verify from the original record whether or not there is a signed decree. The respondent to get the costs of this adjournment.

DATED at DAR ES SALAAM this 7<sup>th</sup> day of December, 2005.

J.A. MROSO  
**JUSTICE OF APPEAL**

H.R. NSEKELA  
**JUSTICE OF APPEAL**

S.N. KAJI  
**JUSTICE OF APPEAL**

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

S.A.N. WAMBURA  
**SENIOR DEPUTY REGISTRAR**