

**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 24th day of March, 2004

in

Civil Appeal No. 89 of 1995

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 7th 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