

**IN THE COURT OF APPEAL OF TANZANIA
AT ARUSHA**

CIVIL APPEAL NO. 32 OF 2016

**1. BANK OF BARODA (T) LTD MR. CHARLES
RWECHUNGURA – RECEIVER/MANAGER** } APPELLANTS
2. PULSES AND AGRO COMMODITIES (T) LTD }

**VERSUS
PULSES AND AGRO COMMODITIES (T) LTD RESPONDENT**

(Arising from the decision of the High Court of Tanzania at Arusha)

(Moshi, J.)

dated the 23rd day of April, 2015

in

Civil Case No. 24 of 2014

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ORDER OF THE COURT

MUSSA, J.A.:

When this appeal was called on for hearing today, the appellants were represented by Mr. Cyril Pasha, learned Advocate, whereas the respondent had the services of Mr. Omar Iddi Omar, also learned Advocate.

At the prompting of the Court, Mr. Pasha readily conceded that the record of appeal is incomplete in that page 7 to 10 of the High Court typed proceedings are missing. In the circumstances he prayed that the appeal be struck out for incompetence. To this concession, Mr. Omar had no objection.

In view of the fact that part of the High Court proceedings are missing, the record of appeal is indeed incomplete and contravenes Rule 96 (1) (d)

of the Tanzania Court of Appeal Rules, 2009 (the Rules). In the result, this appeal is incompetent and the same is, accordingly, struck out. Since the shortcoming was raised by the court *suo motu*, we give no order as to costs.

DATED at **ARUSHA** this 18th day of October, 2016

S. MJASIRI
JUSTICE OF APPEAL

K. M. MUSSA
JUSTICE OF APPEAL

I. H. JUMA
JUSTICE OF APPEAL

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



A handwritten signature in blue ink, appearing to read "B. R. Nyaki".

B. R. NYAKI
DEPUTY REGISTRAR
COURT OF APPEAL