

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

CIVIL APPLICATION NO. 504/01 OF 2016

**HERITAGE INSURANCE COMPANY
(T)LIMITED.....APPLICANT**

VERSUS

**ANNA YONAZI MFINANGA1ST RESPONDENT
COCA-COLA KWANZA LTD.....2ND RESPONDENT
INNOCENT MUSHI.....3RD RESPONDENT**

**(Application for Extension of time within which to file an Application
for Revision from the decision of the High Court of Tanzania
at Dar es Salaam**

(Mihayo,J.)

dated 5th day of June , 2006

in

Civil Case No. 149 of 2003

RULING

3rd November, 2017

LILA, J.A.:

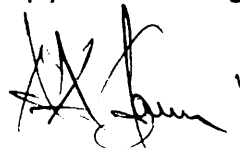
When the application was called on for hearing today, only Mr. Mzava, learned advocate, appeared for the 1st respondent. The applicant and the 2nd respondent who were duly served with notice to appear for hearing today did not enter appearance and did not assign any reason for such non appearance. Mr. Mzava urged the Court to dismiss the application under Rule 63(1) of the Tanzania Court of Appeal Rules, 2009 (the Rules) on account of the applicant's failure to enter appearance.

Indeed, the applicant who was duly served with notice to appear for hearing today did not enter appearance without any notice. I accordingly, grant the prayer by Mzava and I hereby proceed to dismiss the application under Rule 63(1) of the Rules. The 1st respondent be paid costs by the applicant. The 2nd respondent deserves no costs. I so Order.

DATED at **DAR ES SALAAM** this 3rd day of November, 2017

S.A. LILA
JUSTICE OF APPEAL

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



(A.H. Msumi)

DEPUTY REGISTRAR
COURT OF APPEAL

