IN THE COURT OF APPEAL OF TANZANIA
AT DAR ES SALAAM

(CORAM: NDIKA, J.A., KENTE, J.A. And MAKUNGU, J.A.)

CIVIL APPEAL NO. 266 OF 2020

YUSUFU SELEMANI KIMARO .....APPELLANT

VERSUS

ADMINISTRATOR GENERAL .....1ST RESPONDENT
DAUDI KAGOMBA.....2ND RESPONDENT
SAFE QUIP AUCTION MART CO. LTD.....3RD RESPONDENT

(Appeal from the Judgment and Decree of the High Court of Tanzania (Land Division) at Dar es Salaam)

(Mgonya, J.)

Dated the 30th day of April, 2019
in
Land Case No. 331 of 2015

JUDGMENT OF THE COURT

6th & 24th May, 2022

KENTE, J.A.:

At the centre of this dispute is a deceased lady known as Banana Feruzi who died intestate on a date which forms part of the controversy between the parties to this appeal. Whereas the first respondent the Administrator General claims that she died in 1977, the second respondent has all along maintained that she died on 4th June, 1995. We shall come to that aspect of the dispute later in the course of this judgment. In the meantime, we wish to preface our judgment with a brief statement of the facts forming the background of this appeal as they stand out undisputed.

On 22nd October, 2015 the respondent successfully sued the appellant together with the second and third respondents in the High Court (Land Division) accusing them of trespass and sale of a landed property described as Plot No. 24 Block 47 Kiungani Street Kariakoo Area within the District of Ilala, Dar es Salaam Region (henceforth "the suit property"). It is common ground that the said piece of land belonged to and formed part of the estate of the late Banana Feruzi. In the suit before the High Court, among other reliefs, the first respondent claimed to be the administrator of the deceased's estate and in that capacity prayed for vacant possession of the suit property.

During the trial, the evidence led in support of the first respondent's case which was accepted by the trial court was briefly to the following effect. That, the late Banana Feruzi died intestate in 1977 and that she left behind neither issues nor siblings. Further that, following her demise and after a protracted and bitter dispute between her distant maternal and paternal relatives who were fighting over her estate which as it turned out, comprises only the suit property, the first respondent was appointed by the High Court to administer her estate (vide Exhibit P1). According to the first respondent, that was on 7th May, 1997. Asked why the potential heirs of

the deceased's estate who were identified as being Hadija Mbaruku, Mbaruku Mussa Mbaruku, Hanzuruni Mussa and Mansoor Mussa were not given their respective shares in the deceased's estate immediately after the appointment of the first respondent as administrator, one Mr. Gilbert Peter Buberwa (PW1) the first respondent's Senior Assistant Administrator General told the trial court that, it was mainly because of the appellant's and second and third respondent's undeserving acts of trespass on the suit property. He recounted that, at first the respondent exercised some restraint but he finally decided to sue after there had been a futile concerted effort with the local leadership at Gerezani Area to resolve the dispute between the parties amicably, out of court.

The appellant's version which was supported by the second and third respondents was diametrically opposed to the first respondent's account. He told the trial court that he bought the suit property from the second respondent who claimed to be the administrator of the estate of the late Banana Feruzi. To lend credence to the appellant's version, and germane and central to this appeal, the second respondent is recorded to have told the trial court the following. **One,** that the late Banana Feruzi was his uterine younger-sister. **Two,** that she died intestate in 1995. **Three,** that,

upon her death, he was appointed administrator of her estate by the Kariakoo Primary Court. **Four,** that the lawful heirs of his sister's estate were himself and his other sister one Afsa Shaaban Kagomba who incidentally is now deceased. **Five**, that on being appointed administrator of his late sister's estate, he and the late Afsa Shaabani Kagomba went to Ilala Municipal Council where they were jointly issued with a certificate of occupancy in equal shares on 1st October, 2001. The said certificate of occupancy was admitted in evidence as exhibit D2. **Six** and finally that, in 2015 they sold the disputed property to the appellant for TZS 520,000,000.00.

As aforesaid, after hearing the parties, the learned trial Judge (Mgonya, J.) was impressed by the evidence and arguments marshalled on behalf of the first respondent. She therefore went on and found that indeed the appellant and second respondent were trespassers as they had invaded and occupied the suit property illegally. In arriving at the impugned decision, the learned trial judge made the following specific findings which are pertinent in the context of the present appeal. **One,** that the letters of Administration issued by the Kariakoo Primary Court on 27th March, 2000 appointing the second respondent as administrator of the

estate of the late Banana Feruzi were null and void, and **two,** that likewise the sale of the suit property by the second and third respondents to the appellant was null and void.

Aggrieved by the decision of the trial court, the appellant appealed to this Court fronting the following grounds of complaint which can be paraphrased as follows: -

(i) That the trial judge erred both in law and in fact for wrongly entertaining and determining probate matters and nullifying the sale agreement between the appellant and the second respondent while she had no jurisdiction to do so.

(ii) That the trial judge erred both in law and in fact in nullifying the second respondent's administratorship while she had no jurisdiction to do so.

(iii) That the learned trial judge erred both in law and in fact in framing a probate related issue in a land dispute consequently denying the members of the late Banana Feruzi the right to be heard.

(iv) That the learned trial Judge erred in law and in fact for erroneously proceeding to determine a land matter which was instituted without joining necessary parties and;

(v) That the learned trial Judge erred in law and in fact by shifting the burden of proof with regard to the date of death of the late Banana Feruzi onto the second respondent without any justification.

At the hearing of this appeal, Messrs. Daimu Halfani and Mashaka Ngole learned advocates joined forces to argue the case for the appellant while Messrs. Gerald Njoka, Samwel Mutabazi and Thomas Mahushi learned State Attorneys appeared for the first respondent. The second respondent appeared in person fending for himself. The third respondent could not enter appearance in defiance of service on her through her advocate one Mr. Sostens Mbedule of HESL Attorneys. In the circumstances, the hearing of the appeal proceeded in the 3rd respondent's absence in terms of rule 112 (2) of the Tanzania Court of Appeal Rules, 2009 (hereinafter *"the Rules"*). Pursuant to rule 106 (1) of the Rules, ahead of the date of hearing the appeal, the appellant had filed written submissions in support of his case.

Submitting in support of the first ground of appeal and, while conceding that indeed the dispute between the parties was essentially on the ownership of the suit property, Mr. Halfani contended that, in view of the second issue which was framed with the view of determining the

authenticity or otherwise of the letters of administration granted to the second respondent, the trial court lacked the jurisdiction to probe into and determine the matter which had turned out to be a purely probate and administration dispute. In his view, the trial judge's mandate was limited only to the extent of determining the dispute by looking at the manner the first respondent and subsequently the appellant had acquired title over the suit property without delving into the second respondent's appointment as administrator of the estate of the late Banana Feruzi. According to Mr. Halfani, having realised that there were two letters of administration in respect of the same estate, the first one issued by the High Court appointing the first respondent as administrator and the second one issued by the Kariakoo Primary Court appointing the second respondent as administrator of the same estate, the trial Judge ought to have brought the proceedings to a standstill and referred the parties to what the learned counsel called "*a probate court*" to seek revocation of the second respondent's appointment. Relying on sections 21(1) (c) and 22 (3) of the Magistrates Court Act, Cap 11 R.E. 2019. Mr. Halfani submitted that, it is the District Court and not the High Court (Land Division) which is vested with the jurisdiction to nullify the grant of letters of administration issued by a Primary Court.

With regard to the legality or otherwise of the sale transaction between the appellant and second respondent, the learned counsel submitted that, what the trial court was supposed to determine was not the validity or invalidity of the sale transaction between the appellant and second respondent but rather the alleged trespass on the suit property. It was the learned counsel's submission on that aspect that, the trial court's attention was wrongly diverted into determining the ownership of the suit property which was not one of the first respondent's prayers in the plaint.

Coming to the second ground of appeal which faults the trial court for nullifying the appointment of the second respondent as administrator of the estate of the late Banana Feruzi, Mr. Halfani submitted that, the learned trial Judge went far beyond the provisions of sections 37 and 38 (1) of the Land Disputes Court Act, Cap. 216 R.E 2019 ("the LDCA") which provides for the jurisdiction of the High Court – Land Division. The learned counsel was emphatic that none of the above cited provisions confers jurisdiction to the Land Division of the High Court to enquire into and determine the validity of an appointment of the administrator of the deceased's estate. Going to the bottom of what he considered to be a gross error on the part of the trial Judge, Mr. Halfani contended that,

assuming but without accepting that the High Court (Land Division) was clothed with such jurisdiction, it was still wrong for the trial Judge to nullify the appointment of the second respondent without first and foremost quashing the proceedings and setting aside the decision of the Primary Court which appointed him. To ameliorate the situation, the learned counsel invited us to quash and set aside the trial court's decision for allegedly containing some material illegality.

With regard to the allegations in the third ground of appeal which are more or less similar to what was alluded to under the first and second grounds of appeal, Mr. Halfani had a relatively herculean task in trying to lead us to the conclusion that the learned trial judge overreached herself in her zeal to have this dispute finally and conclusively determined. The learned counsel submitted as a whole, without giving details that, determining probate related matters in a land dispute denied the family members of the late Banana Feruzi and the administrator of her estate in particular, the right to be heard so far as the issue of his appointment is concerned. He referred to our decisions in **Mbeya Rukwa Auto parts and Transport Ltd v. Jestina George Mwakyoma** [2000] TLR 252, **Independent Power Tanzania Limited v. Standard Chartered Bank**

(Hongkong) and **Tanga Gas Distributors Limited v. Mohamed Salim Said and Two Others** [2014] 3 EA 448 to underscore the importance of the cardinal principle of natural justice regarding the right to be heard and the banal observation often made by superior courts that, it is a serious dereliction of duty for a judicial officer to deny a hearing to a party to the judicial proceedings before determining his rights and duties.

As for the complaint that the suit before the High Court was instituted without joining the necessary parties, Mr. Halfani submitted rather fleetingly that, since the suit property was jointly registered in the names of the second respondent and the late Afsa Shaaban Kagomba and as such, the suit was preferred only against three persons namely the appellant, the second and third respondents, the entire decision of the trial court was defective for non-joinder of the necessary party. Conveniently, however, the learned counsel was wise to sidestep the question as to whether or not Afsa Shaaban Kagomba was still alive in 2015 when the suit was lodged in the High Court and when the said question was raised by the first respondent's counsel in his reply submissions, Mr. Halfani's reply in rejoinder but apparently off the cuff was that, it was not a defence for the

first respondent to say that at the time of the lodgement of the suit in the High Court the late Afsa Shaaban Kagomba was deceased already.

With respect to the claim that the learned trial Judge erroneously shifted the burden of proof onto the second respondent to establish the date of Banana Feruzi's death, Mr. Halfani strongly contended that indeed the burden of proof was shifted onto the second respondent as if he was the one who was supposed to prove the claim.

In reply Mr. Njoka who addressed the court on behalf of his colleagues submitted briefly in respect of the first ground of appeal that, the trial court had the requisite jurisdiction to entertain this matter. He argued that, rather than being a probate and administration dispute, this was a land case based on trespass to land. To underscore the most important point being made, the learned State Attorney referred to paragraph 2 of the joint written statement of defence in which the appellant claimed to be the lawful owner of the suit property.

With regard to the appointment of the second respondent as administrator of the late Banana Feruzi's estate after the High Court had appointed the first respondent, the learned State Attorney contended that the Primary Court could not have validly appointed the second respondent

after the High Court had appointed the first respondent. He referred to our decision in **Omari Yusuph** (Legal representative of **Yusuph Haji v. Albert Munuo,** Civil Appeal No. 12 of 2018 (unreported) in support of the proposition that, in the absence of a revocation order there cannot be two distinct administrators of the same estate. On the above stated premise, Mr. Njoka went on to submit in respect of the second ground of appeal that, it had no merit as the second respondent was wrongly appointed either in disregard of the first respondent's appointment or most likely in a surreptitious secret manner. Viewed from that perspective, the learned State Attorney implored us to dismiss the first and second grounds of appeal for want of merit.

In answer to the third ground of appeal, Mr. Njoka submitted briefly that, it was an after-thought for the appellant to complain that the trial Judge framed a wrong issue touching on probate matters in a purely land dispute. According to Mr. Njoka, the issues were framed in view of the parties' pleadings and upon their consensus.

As for the fourth ground of appeal in which the complaint is that the late Afsa Shaaban Kagomba was not joined while she was a necessary party to the suit before the High Court, Mr. Njoka submitted that, being

deceased at the time when the suit was lodged in court, as one would expect, she could not be impleaded.

Submitting in reply to the fifth ground of appeal in which the trial Judge is challenged for allegedly shifting the burden of proof onto the second respondent to prove the date of death of the late Banana Feruzi whom he claimed to be his uterine kin, Mr. Njoka contended that there was no shifting of the burden of proof onto the second respondent. He was firmly of the view that the learned trial Judge directed herself properly in holding that the second respondent had failed to prove that the late Banana Feruzi died in 1995 given the rebuttal and convincing evidence which was led by the first respondent (showing that she died in 1977). Consequently, for the foregoing reasons the learned State Attorney implored us to dismiss all five grounds of appeal and, as consequence, the entire appeal for lack of merit.

For his part, the second respondent had nothing meaningful to submit in opposition to or in support of the appeal. He only told the Court that the appellant's advocates were there to help him advance his cause. With that remark, he had no more to add.

In this appeal, we propose to deal with the first, second and third grounds of appeal altogether so far as they touch on the jurisdiction of the trial court.

On this point, it must be common ground and we need not cite any authority to support or expound on the principle which is fast becoming trite that, the question of jurisdiction for any court is very fundamental as it determines the court's authority to hear and determine cases. Going by the parties' pleadings in the instant case, unless one is immersed in his own thought, it is apparent that it was the lawful ownership of the suit property on which the dispute between the parties was centred. Essentially even now, that is the most contested point which this case presents. While the first respondent claimed to be the administrator having been appointed to administer the estate of the late Banana Feruzi which included the suit property, the appellant's contention was that he was the lawful owner of the same property having bought it from the second respondent who claimed to have been appointed an administrator of the estate of Banana Feruzi. It is in this context that the first issue to be framed for determination by the trial court was couched in the following terms thus: -

> *"whether the plaintiff (now the first respondent) has a legal right to the land in dispute."*

Now, if the provisions of section 37 (a) of the LDCA which provides for the jurisdiction of the High Court (Land Division) in the proceedings for the recovery of possession of immovable property in which the value of the property exceeds fifty million shillings are anything to go by, the question of the trial court lacking jurisdiction to entertain this matter does not arise. However, by so observing, we have not lost sight and indeed we are mindful of Mr. Halfani's argument which seems to suggest that, the learned trial Judge overstepped her powers when she went on adjudicating even after the matter before her had turned out to be a probate and ceased to be a land dispute.

With due respect to Mr. Halfani, we need not labour much on his complaint. For, it is apparent that the main contest in this dispute was and still is on the ownership of the suit property. The question of administration of the estate of Banana Feruzi who as far as this dispute is concerned, appears to be a common denominator, was brought in by the parties as a means of tracing and proving their respective but contesting titles. Faced with two administrators of the same estate, each appointed by a different court, the learned trial Judge had to determine, among other issues, who was the lawful administrator of the estate of the late Banana Feruzi from

whom the appellant and first respondent each traces back his title over the suit property.

Having carefully gone through the evidence on record and upon a thorough appraisal of the said evidence, the learned trial Judge made the following specific findings of fact. **One**, that the late Banana Feruzi died in 1977 and not in 1995 as alleged by the second respondent. **Two,** that in 1997 the first respondent was appointed by the High Court as administrator of her estate. **Three,** that the purported appointment of the second respondent by the Kariakoo Primary Court as administrator of the estate of the late Banana Feruzi was null and void. **Four**, that the sale of the suit property by the second respondent to the appellant was null and void and consequently the appellant as well as the second and third respondents were trespassers on the suit property. A further note on the impugned judgment of the trial court is that, the second respondent was found to have no blood relationship with the late Banana Feruzi. However, as we shall hereinafter demonstrate, it is the finding that the second respondent was not the administrator of the estate of Banana Feruzi that seems to have raised the concern of Mr. Halfani and his client. "Having realised that the appointment of the second respondent as administrator of

the estate of the late Banana Feruzi was being called into question, the learned trial Judge ought to have terminated the proceedings and referred the parties to a probate court", Mr. Halfani contended.

With due respect, we do not subscribe to that tenor of argument. For, we do not think that the hands of the learned trial Judge were so tied as not to be able to probe into the authenticity of the order of the Kariakoo Primary Court appointing the second respondent the administrator of the late Banana Feruzi's estate. In support of the route taken by the learned trial Judge, section 43(1) of the Evidence Act, Cap. 6 R.E. 2019 provides that:

> *"a final judgment, order or decree of a competent court, in the exercise of probate, matrimonial, admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or* ***which declares any person to be entitled to any such character****, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant* ***when the existence of any legal character*** *or the title of any such person to any such thing, is relevant". [Emphasis added]*

There is no doubt that having found the appointment of the second respondent to be highly questionable as to raise eyebrows, it would be an abdication of duty for the trial Judge to either play ostrich or keep her hands off the matter on the pretext that it did not fall within her jurisdiction as argued by Mr. Halfani. After the second respondent had put in evidence the letters of appointment issued by the Primary Court (Exh. D2) which was relevant in terms of section 43 (1) of the Evidence Act as quoted herein above, one reason why the trial Judge could not pretend to be uninvolved is section 46 of the same Act which empowered the first respondent to retaliate and which we take the liberty to reproduce as hereunder:

> *"Any party to a suit or other proceedings may show that any judgment, order or decree which is relevant under sections 42,43 and 44, and which has been proved by the adverse party, was delivered by a court not competent to deliver it or was* ***obtained by fraud or collusion****." [Emphasis added]*

Commenting on the applicability of section 44 of the Indian Evidence, 1873 which is in *pari materia* with section 46 of the Tanzania Evidence Act,

the author's of **Sarkars Law of Evidence,**15th Edition 2002, had the following to say, on page 848:

> " *This section lays down that when one of the parties to a suit or other proceedings tenders, or has put in evidence, a judgment, order or decree under ss.40, 41 and 42, it is open to the party against whom it is offered to avoid its effect on any of the three grounds specified in the section, without having it set aside, viz (a) the incompetency or want of jurisdiction of the court by which the decree was passed; (b) that the judgment was obtained through fraud; or (c) that it was obtained by collusion."*

With regard to Mr. Halfani's vehement argument that the trial Judge in the instant case ought to have halted the proceedings and referred the matter before her to the *"probate court"* we can but quote the same authors on page 849 where they went on to point out that:

> *"The rule as to fraud applies equally, whether the judgment or decree impugned was passed by an inferior court or superior court. Whenever it is shown that a judgment which is relevant was obtained by fraud, every court will treat it as a*

nullity as in the words of DE GREY CJ "fraud vitiates the solemn proceedings of the courts of justice".

Going by the above-quoted commentary by the learned authors, two things are certainly discernible. **One**, that a fraudulent judgment, order or decree can be avoided without necessarily having recourse to setting it aside and **two,** that a judgment, order or decree obtained by fraud will be treated as a nullity by any court be it an inferior or a superior court.

After objectively going through the evidence on record, we are increasingly of the firm view that, indeed as found by the learned trial Judge, the appointment of the second respondent as administrator of the estate of the late Banana Feruzi was fraught with fraud and misrepresentations. For, there was every indication that the second respondent had no blood relationship with Banana Feruzi whom he claimed to be his younger sister but who, as it turned out, was older than him. And what is more worrying is the fact that, despite the second respondent's unsubstantiated and generalised complaints, his surmise that the late Banana Feruzi died in 1995 was far from correct.

We should emphasize here that, given the evidence on record and the circumstances obtaining in this case, it was incumbent upon and

indeed commendable for the learned trial Judge to get into the swing of her job and probe into the appointment of the two rival administrators of the estate of the late Banana Feruzi and finally come out with the finding that the second respondent was none other than an imposter.

It is for the foregoing reasons that we find the appellant's complaints in the first, second and third grounds of appeal to be wanting in merit. We accordingly dismiss them.

The fourth and fifth grounds of appeal are relatively simple to dispose off. We appreciate the reply submissions made by Mr. Njoka and we would on that account, have little to say in addition. Starting with the complaint in the fourth ground of appeal that the suit in the High Court was instituted without joining the late Afsa Shaaban Kagomba, as correctly argued by Mr. Njoka, since she is deceased and, in the absence of the evidence showing that she was still alive in the year 2015 when the suit giving rise to the present appeal was instituted in the High Court, it would be meaningless to implead her as it is trite law that, a suit filed against a dead person does not exist, or, as used in legal parlance, it is **non est**.

On the alleged shift of the burden of proof onto the second respondent, what comes to mind is the observation made by the learned

trial Judge in the course of her judgment when she remarked that the second respondent was supposed to tender the death certificate of the late Banana Feruzi showing that she died in 1995 and not in 1977 as alleged by the first respondent.

As it will be noted at once, on her part, the first respondent had led evidence through the testimony of Mbaruku Musa Mbaruku (PW2) who told the trial court that the late Banana Feruzi was his cousin and that she died in 1977. Moreover, the first respondent went on and tendered the judgment of the High Court in Civil Appeal No. 79 of 1995 which appointed her the administrator of the estate of the late Banana Feruzi showing that she passed on in 1977. Faced with such convincing evidence regarding the deceased's date of death, at first the second respondent conveniently sought to gloss over or circumvent that crucial question during his evidence in-chief but only to be put to task by Mr. Mutabazi learned State Attorney who pressed him during cross-examination to lead evidence showing that the late Banana Feruzi died in 1995 and not in 1977. It was after his failure to adduce any persuasive evidence on that point that the trial judge found it necessary to observe in her judgment that the second respondent was supposed to tender the deceased's death certificate showing that she died

in 1995 and not in 1977 as alleged by the first respondent. And that is what Mr. Halfani claimed to be the shift of burden of proof onto the second respondent.

Now to answer the question raised by Mr. Halfani, it is apt to revisit albeit very briefly the literature on the burden and onus of proof in civil cases. To demystify, the burden of proof is the duty or responsibility cast on a party to put forth evidence in order to prove their claim. In civil cases, as a general rule, it is the party bringing the claim (the plaintiff) on whose shoulder the burden of proof lies. However, after the plaintiff has led evidence either in the form of oral testimony, documentary evidence or objects, the burden of proof as a matter of adducing evidence or the onus of proof (as it is otherwise called to distinguish it from the burden of proof which never shifts), shifts to the defendant to lead evidence either with the view to controverting the plaintiff's evidence or supporting his own case. According to the English case of **Pickup v. Thames Ins. Co. 3 QBD, 594,600**, the burden of proof in this sense, is always unstable and may shift constantly throughout the trial accordingly as one scale of evidence or the other preponderates.

Going by the above exposition of the law, it would be insincere if not a misapprehension of the law on the part of Mr. Halfani to complain as he did that the trial Judge had shifted the onus of proof onto the second respondent. For, in civil cases, the onus of proof does not stand still, rather it keeps on oscillating depending on the evidence led by the parties and a party who wants to win the case is saddled with the duty to ensure that the burden of proof remains within the yard of his adversary. This is so because as per the case of **Raghramma v. Chenchamma,** A 1964 SC 136, such a shifting of onus is a continuous process in the evaluation of evidence.

Essentially that is what happened in the instant case. The first respondent having led evidence showing that the late Banana Feruzi died in 1977 and not in 1995 as alleged by the second respondent, it was incumbent upon the second respondent to lead evidence which would rebut the first respondents' version on that crucial point. Mr. Halfani knows what the rules of the game are and therefore having failed to discharge the duty which lay on him, the learned counsel cannot be heard to complain on behalf of the second respondent that the learned trial Judge had shifted the onus of proof onto him. All in all and in any event, the complaints that the late Afsa Shaaban Kagomba was not impleaded in the suit and that the

learned trial Judge had shifted the burden of proof onto the second respondent have to fall by the wayside as we descend into the conclusion of this judgment.

All said and done, we are of the settled opinion that the appeal before us is completely devoid of merit.

We accordingly dismiss it in its entirety with costs.

DATED at **DAR ES SALAAM** this 23rd day of May, 2022.

G. A. M. NDIKA
JUSTICE OF APPEAL

P. M. KENTE
JUSTICE OF APPEAL

O. O. MAKUNGU
JUSTICE OF APPEAL

The Judgment delivered this 24th day of May, 2022 in the presence of appellant in person, and Mr. Samwel Cosmas Ntabazi, learned State Attorney for the 1st respondent and 2nd Respondent present in person and in the absence of the 3rd respondent is hereby certified as a true copy of the original.

F. A. MTARANIA
DEPUTY REGISTRAR
COURT OF APPEAL

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JUSTICE OF APPEAL

P. M. KENTE
JUSTICE OF APPEAL

O. O. MAKUNGU
JUSTICE OF APPEAL

The Judgment delivered this 24th day of May, 2022 in the presence of appellant in person, and Mr. Samwel Cosmas Ntabazi, learned State Attorney for the 1st respondent and 2nd Respondent present in person and in the absence of the 3rd respondent is hereby certified as a true copy of the original.

F. A. MTARANIA
DEPUTY REGISTRAR
COURT OF APPEAL