IN THE COURT OF APPEAL OF TANZANIA
AT DAR ES SALAAM

(CORAM: MWAMBEGELE, J.A., KOROSSO, J.A. And MWANDAMBO, J.A.)

CIVIL APPEAL NO. 14 OF 2020

RAMADHANI SELEMAMI KAMBI... APPELLANT

VERSUS

THE COMMISSIONER FOR LANDS................................1ST RESPONDENT

THE REGISTRAR OF TITLES.......................................2ND RESPONDENT

THE HONOURABLE ATTORNEY GENERAL.....................3RD RESPONDENT

(Appeal from the judgment and decree of the High Court of Tanzania (Dar es Salaam District Registry) at Dar es Salaam)

(Mutungi, J.)

dated the 4th day of August, 2017

in

Land Case No. 12 of 2011

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JUDGMENT OF THE COURT

14th February & 10th March, 2023.

MWANDAMBO, J.A.:

This appeal involves one main issue revolving around revocation of a right of occupancy under the Land Act. The rest of the issues are, but secondary. Before the High Court sitting at Dar es Salaam, the appellant instituted a suit against the respondents challenging revocation of his right of occupancy over a landed property on Plot No. 584 Block 'J'; situate at Mbezi Medium density area, Kinondoni Municipality, Dar es Salaam City. It was common cause that some time on 05/04/1995, the first respondent issued the appellant with a certificate of occupancy; No.

44369 granting him a right of occupancy over the disputed property for a term of 33 years commencing from 01/10/1988. The certificate of occupancy was admitted in evidence before the trial court as exhibit P1.

The appellant claimed that at all material times during the subsistence of the title to the property, he complied with the terms and conditions prescribed in exhibit P1 including payment of land rent and taking steps to develop it after obtaining the relevant building permit from the relevant authority. Believing that all was well in relation to the ownership, sometime in the year 2002, the appellant sought to mortgage his right of occupancy as security for a loan from Akiba Commercial Bank but the said mortgage could not get through the registration process with the first respondent. Through a letter, Ref. No. LD/161735/35/DM dated 28/08/2002 addressed to the bank (exhibit P2), the first respondent rejected the bank's application for the mortgage of a right of occupancy on the disputed plot because the same was now owned by H.E. The President following revocation of the appellant's title. As the respondents did not heed to the demand for restoration of the ownership, the appellant instituted the suit for, among other reliefs, an order for unconditional restoration of ownership and payment of TZS 200,000,000.00 by way of general damages.

The appellant's cause of action was premised on the claim that the revocation was unlawful it being done without notice to him. In their joint defence, the respondents claimed that the appellant's title to the disputed plot was lawfully revoked upon good cause in public interest after an un-responded to notice to show cause duly served on the appellant. The trial court (Mutungi, J.) framed two issues for the determination of the suit, viz. whether the revocation of the title to the suit land was lawful and the reliefs.

There was no dispute that the appellant had been granted the right of occupancy which was subsequently revoked by H.E. The President allegedly upon good cause and after issuance of a notice to show cause. To prove that the impugned revocation was lawful, the respondents led evidence through Elias Ndalichako (DW1). This witness tendered several documentary exhibits comprised of, amongst others, letters addressed to the appellant admitted as exhibit D2 collectively. The first letter dated 26/06/1995 informed the appellant about complaints from two people; Elinaike Kafuku and Maria Maleko who had interest on the disputed plot. That letter required the appellant to surrender his certificate of title allegedly because he obtained it fraudulently failure of which the title would be revoked. The second one

dated 19/07/1995 reminded the appellant to surrender the certificate of title within 14 days or else risk revocation. As the appellant did not heed to the first two letters, on 11/09/1995 the appellant wrote another letter giving the appellant 28 days' notice to show cause why the title should not be revoked by reason of the fraudulent procurement of it. Besides, DW1 tendered a certificate of posting a registered postal parcel admitted as exhibit D3. Earlier on, DW1 had tendered in evidence Land Form No. 19; a revocation instrument (exhibit D1) signed on 19/11/1998 showing that H.E. The President had been satisfied that good cause existed, hence the revocation of the appellant's right of occupancy.

From DW1's oral evidence and the documentary exhibits tendered, the trial court found the respondents discharged their burden proving that the impugned revocation was lawful and that it was carried out after due notice on the appellant through a postal address shown in exhibit P1. The trial court found it sufficiently proved that since the evidence indicated that there was a dispute over the ownership of the plot involving two other people, that constituted good cause to justify revoking the appellant's title in public interest considering that the appellant had not responded to the notice to show cause. Despite the respondent's allegation, the trial court found no evidence proving that

the appellant had obtained the title fraudulently. Consequently, the appellants suit was dismissed, hence the instant appeal.

The appellant who had the services of Mr. Joseph Rutabingwa, learned advocate preferred five grounds of appeal against the trial court's decision. The first ground is directed against the finding that the appellant was duly served with notice prior to revocation. The complaint in the second ground is against the finding that the appellant's title was revoked upon good cause in public interest. The trial court's inference on double allocation is challenged in ground three whereas the admission of various documents tendered by DW1 is faulted in ground four. Finally, the appellant's complaint in ground five is against the trial court's decision in not holding that there was no sufficient evidence that there was lawful revocation.

Mr. Rutabingwa filed his written submissions in support of the appeal but it was Ms. Ida Alex Rugakingira and Mr. Evodius Rutabingwa both learned advocates who appeared for the hearing of the appeal. After adopting the contents of the written submissions, Ms. Rugakingira had very little to add in elaboration. The substance of her oral submission focused on the lack of proof of publication of the revocation contrary to the requirements of section 49 (1) of the Land Act. That was

notwithstanding the fact that the impugned revocation was carried out under the repealed Land Ordinance.

Since the complaint in ground four involves a challenge on the admission of various documents critical to the determination of the main issues in the appeal, we have found it convenient to dispose it ahead of the rest.

The appellant faults the trial court for admitting various documents tendered by the defendants (now respondents) as exhibits without abiding by the governing law after the plaintiff had closed his case and without affording him opportunity to comment on those exhibits which were never put to him in cross examination.

The appellant's complaint in this ground is anchored on Order XIII rule 2 of the Civil Procedure Code (the CPC) which bars production of documentary evidence in possession of a party which should have been produced in pursuance of rule 1 of the same Order unless good cause is shown to the satisfaction of the court. The learned advocate argued that the admission of documents in exhibits D2, D3, D4, D5 and D6 of which the appellant had no prior notice was irregular and in contravention of Order XIII rule 2 of the CPC. Elaborating, the learned advocate argued that the trial court wrongly exercised its discretion in admitting the

impugned documents because the respondents' reason for the late production did not constitute good cause. At any rate, the learned advocate contended that the appellant was not afforded opportunity to comment on those documents. He relies in this argument on Mulla, the Code of Civil Procedure, 16th edition at page 2188. According to the learned authors, where documents are admitted after the conclusion of hearing, the opponent should be given sufficient opportunity to adduce evidence which might have become necessary by reason of such an admission.

Through their written submissions in reply prepared by Mr. Benson Hoseah, learned State Attorney, the respondents contend that the learned trial judge acted within the confines of the law in admitting the documents. It is their further submission that the appellant was given opportunity to cross examine DW1 through his counsel and, if he found it necessary, he ought to have applied for the recall of PW1 for further examination in chief in accordance with section 147 (4) of the Evidence Act.

During the hearing of the appeal Mr. Ayoub Sanga, learned State Attorney who appeared together with Ms. Jenipher Kaaya, learned Senior State Attorney as lead counsel and Ms. Luciana Kikala, learned

State Attorney, conceded on the irregular admission of the impugned documents. However, he reiterated the argument that the appellant was given the right to cross examine DW1 and therefore, the shortcoming did not prejudice the appellant.

We have given anxious consideration on the competing arguments on this ground. It is common cause that the documents, subject of ground four relate to the complaint that the appellant was not given notice prior to revocation. In their written statement of defence, the respondents annexed the revocation instrument (exhibit D1) and a hand written letter Ref. No. LD/161735/13/PGN (M) dated 26/06/1995 (annex AG2). The latter is what the respondents claimed to have been a notice served on the appellant prior to the impugned revocation. As it turned out later, there were other correspondences apart from annexure AG2 which could have been produced at the first day of hearing through a list of documents as mandated by Order XIII rule 1 of the CPC. It is plain from page 118 of the record of appeal that, on 28/11/2016, the respondents intimated to the trial court of their intention to file a list of documents to be relied upon during the trial. Order XIII rule 1 of the CPC requires that those documents should be produced at the first day of hearing. The record shows that hearing commenced on 16/05/2017

but no list of documents had been filed in court with the net effect that the respondents had lost the opportunity to produce and rely upon in their defence the documents which were in their possession and power. Luckily, Order XIII rule 2 of the CPC provides a remedy to a litigant who fails to make use of the opportunity provided for under Order XIII rule 1 of the CPC, such a party may be permitted to produce documents belatedly upon showing good cause to the satisfaction of the court.

In the course of his evidence in chief, DW1 was led to tender certain documents which were neither pleaded nor produced at the first hearing of the suit. The reason for the belated production was attributed to the loss of the original file in the office of the first respondent which compelled the retrieval of copies of such documents from the archives in the offices of the Ministry of Lands. Despite the objection to the admission of the documents by the appellant's advocate, the learned trial judge admitted certified copies which DW1 said that he retrieved from a duplicate file. After overruling the objection from the appellant's erstwhile advocate against admission, the learned trial judge reasoned:

> "*The court has considered of the others not [being] annexed and is satisfied that the defendant being Government institution, documents are kept in archives and the*

procedure of retrieving the same could at times be cumbersome. The court as a fountain of justice is much concerned with substantive justice...." [at page 136 of the record of appeal].

The learned advocate for the appellant has faulted the trial court that it admitted the impugned documents without good cause considering the time between the filing of the written statement of defence and the trial. We are prepared to go along with Mr. Rutabingwa in his contention to the extent of the length of time. However, having taken a due consideration to the spirit behind Order XIII rule 2 of the CPC, we are hesitant to agree with Mr. Rutabingwa that the learned judge wrongly exercised her discretion. We hold that view after being inspired by the commentaries from the works of the learned authors of Mulla 15th on the Code of Civil Procedure edition discussing the scope of Order XIII rule 2 (1) of the Code of Civil Procedure Act V of 1908 of India which is substantially similar to Order XIII rule 2 of the CPC. While frowning upon belated production of documents with a view to taking the opponent by surprise and preventing fraud, the learned authors remark:

"No suspicions can attach to certified copies of public documents, such as records of

Government or records of judicial proceedings. Such copies, therefore, may be received in evidence though they may not have been produced at the first hearing, ... a good cause means an adequate, sound and genuine ground or reason..." [at page 1407 and 1408].

The learned trial judge accepted the respondent's reason for late production being, loss of the original file from the first respondents' office which entailed retrieving the impugned documents from the Ministry of Lands which took a long time and at times cumbersome as genuine considering that it involved the Government. Granted, as submitted by Mr. Rutabingwa that, the time involved was unduly long and the learned judge's reasoning may have sounded unpretentious, we are satisfied that it met the essence the more so because the documents involved were public documents within the context of section 83 (b) of the Evidence Act. In any event, Mr. Rutabingwa's complaint is not necessarily against belated production *per se*. It is against admission of the said documents after the closure of the plaintiff's (appellant's) case without giving opportunity to him to comment on them.

To support this contention, the learned advocate relies on an excerpt from Mulla, 16th edition (supra) at page 2188 thus:

> *"Where documents are admitted after the hearing is concluded, the opponent should be given sufficient opportunity to adduce evidence which might have become necessary by reason of such an admission."*

With respect, we do not think Mr. Rutabingwa's complaint is necessarily correct. First, the record bears testimony that the impugned documents were admitted during the hearing of the defence case through DW1 and not after the closure of the hearing and so the excerpt from Mulla relied upon by the learned advocate is of no assistance.

Secondly, as submitted by the respondents' learned State Attorneys, the record bears testimony too that, after DW1's evidence in chief, the appellant's erstwhile advocate prayed to be given more time to examine the documents tendered as exhibits for the purpose of cross-examination. The trial court granted that prayer as evident at page 143 of the record of appeal. The appellant's advocate cross- examined DW1 at length on the impugned exhibits which defeats the learned advocate's contention. In any case we are inclined to agree with the respondents' learned State Attorneys that, had the appellant's advocate considered it necessary for the plaintiff to comment on the impugned exhibits, he had that opportunity by seeking leave of the trial court to recall him for

further examination in chief in pursuance of section 147 (4) of the Evidence Act. He cannot be heard to complain now on appeal.

In our view, if there was any defect, error or irregularity in the admission of the impugned documents, it cannot be a basis for reversing or varying the judgment of the trial court. It is our firm view that this is a case in which the provisions of rule 115 of the Tanzania Court of Appeal Rules, 2009 should come into play. It provides:

> *"No judgment, decree or order of the High Court shall be revised or substantially varied on appeal, nor a new trial ordered by the Court, on account of any error, defect or irregularity, whether in the decision or otherwise, not affecting the merits, or the jurisdiction of the High Court; and in the case of a second or third appeal, this rule shall be construed as applying to the trial court, the first and second appellate courts, as the case may be".*

Accordingly, we find no merit in ground four and dismiss it. We shall now revert to the substantive issue; whether the revocation of the appellant's right of occupancy was made upon good cause. This covers grounds one, two and three of appeal.

Ground one is directed against the trial court's finding on service of notice to the appellant. We have already held that the trial court rightly admitted the documents particularly those constituting exhibits D2 and D3. It is trite that the admission of a document as an exhibit is one thing but the evidential weight of such exhibit is a different thing altogether. We shall be guided by this principle in determining this ground in our statutory duty as a first appellate court to re- appraise the evidence and draw own inferences of fact in pursuance of rule 36 (1) (a) of the Rules.

The appellant faults the learned trial judge for holding that he was duly served with notices constituted by exhibit D2 collectively. Mr. Rutabingwa submits that since the appellant (PW1) was not cross-examined in respect of three letters dated 26/06/1995, 19/07/1995 and 11/09/1995, that was sufficient to conclude that he was not duly served with any notice. Furthermore, the learned advocate argued that the only letter which DW1 alluded to a notice is the one dated 11/09/1995 appearing at pages 164 and 165 of the record of appeal giving the appellant 28 days to show cause why his title should not be revoked.

Needless to say, the learned advocate argued that proof of service of that letter through exhibit D3 left a lot to be desired considering that

whereas the postal office stamp shows that it was posted on 17/10/1995, 28 days expired on 11/10/1995. On the whole, the learned advocate urged that, the trial court's finding on service of notice was against the weight of evidence adduced by the respondents' witnesses. It was thus contended that on the authority of the court's decision in **Agro Industries Ltd. v. Attorney General** [1994] T.L.R 43, the appellant was denied right to be heard before his right of occupancy was revoked.

For their part, the learned State Attorneys supported the trial court's finding that the notice through exhibit D2 was duly served on the appellant through his postal address. They also pointed out that there was proof of service through exhibit D3 in the absence of evidence of change of the last address provided by the appellant. It was urged by the learned State Attorneys that the appellant was given right to be heard but elected to sit on it, hence the resultant revocation.

As pointed out earlier, the burden of proof that the revocation was lawful lied on the respondents who so claimed in their defence rather than the appellant who claimed that it was not. The Court had occasion to consider a similar issue in **Mrs Zubeda Ahmed Lakha v. Hajibhai Kara Ibrahim & 2 Others**, Civil Appeal No. 238 of 2018 citing its

earlier decision in **Charles Christopher Humphrey Richard Kombe T/a Humphrey Building Materials v. Kinondoni Municipal Council**, Civil Appeal No. 125 of 2016 (both unreported). In proving that the appellant was served with notice before revocation, the appellant tendered letters constituted in exhibit D2 together with a certificate of posting a registered postal packet (exhibit D3). We shall examine one after the other.

The first is a letter dated 26/06/1995 which informed the appellant of the complaints by Elinaike Kafuku and Maria Maleko against the appellant's ownership at plot No. 584 Block 'J' Mbezi medium density area. That letter claimed that the first respondent had made investigation on the complaints surrounding the appellant's title which revealed that he obtained the title fraudulently. The author concluded that the said Kafuku and Maleko were the lawful owners of the area and thus the appellant was required to stop any development in that plot and surrender the title to the first respondent failing which, the same would be revoked. One wonders whether the first respondent who had already concluded that the appellant had obtained the right of occupancy fraudulently meant to serve any notice prior to revocation when he had already determined to do so upon the appellant's default

to surrender the title. We are satisfied that the letter did not constitute a notice to show cause rather a decision already made by the first respondent.

On the other hand, the letter dated 19/07/1995 was simply a reminder for the surrender of the title based on the decision already made in the previous letter. It was not a notice to show cause known in law. The last letter dated 11/09/1995 made reference to the two previous letters reiterating that the appellant obtained the title fraudulently. Unlike the previous ones, it gave the appellant 28 days to show cause why his title should not be revoked. One of Mr. Rutabingwa's complaints regarding exhibit D2 to D5 was that, they were not put to the appellant through cross- examination but we do not find any merit in that complaint the more so because the appellant had no burden of proof in that regard.

With respect, we find merit in Mr. Rutabingwa's submission regarding service of the last letter dated 11/09/1995 which gave the appellant 28 days to show cause why his title should not be revoked by reason of him having obtained it fraudulently and having failed to surrender it to the first respondent. From our own examination of exhibit D3, we agree with Mr. Rutabingwa that, the notice leaves a lot to be

desired. To start with, there is nothing in exhibit D3 showing the contents and the particulars of the packet posted on the date shown in the stamp; 17/10/1995. Secondly, if the original file in the office of the first respondent had indeed been lost, it is not clear how he could be able to retain original copy from it in July 2017 and certifying them as true copies of the original for tendering in court. Thirdly, as rightly submitted by Mr. Rutabingwa, at any rate, the letter appears to have been posted nine days after the expiry of 28 days' notice. It could not have been effectively responded to by the appellant assuming he received it because time for doing so had already expired.

The argument advanced by the learned State Attorneys that the delay in posting of the notice did not deter the appellant from responding sounds attractive but wholly untenable and we reject it regardless of the fact that the revocation did not occur immediately. The upshot of the foregoing is that we are satisfied that unlike the trial judge, the respondents did not succeed in discharging their burden of proof that the appellant was duly notified before the revocation of his right of occupancy. We thus find merit in ground one and allow it.

Next, we shall discuss ground two in which the appellant faults the trial judge for finding that the revocation was made upon good cause in

public interest. Mr. Rutabingwa premised his submissions in this ground upon section 45 of the Land Act which vests the President with power to revoke a right of occupancy upon good cause or if it is in the public interest to do so. Nevertheless, on 19/11/1995 when the President is recorded to have revoked the appellant's right of occupancy, the Land Act had not yet been enacted. Indeed, exhibit D1 is plain that the President revoked the right of occupancy under the Land Ordinance in force on the date of the revocation. The relevant provision vesting the President with power to revoke the right of occupancy was section 10 (1) of the Ordinance.

Be it as it may, Mr. Rutabingwa's arguments were that there was neither good cause behind the revocation nor was there evidence of public interest. According to the learned advocate, judged from DW1's evidence, revocation was necessitated by the existence of two more people having interest in the land in dispute which did not suffice to move the President to revoke the appellant's title. If we understood the learned advocate correctly, he meant to say that solving a dispute on the competing interest on the disputed plot by revoking the appellant's title did not fall within the definition of what public interest is placing reliance from Black's Law Dictionary, 9th edition by Brian Garner at page

1350; general welfare of the public that warrants recognition and protection, something which the public as a whole has a stake especially an interest that justifies government regulation.

For their part, the learned State Attorneys supported the trial court's finding that since the appellant did not surrender his title deed to the first respondent as required of him, resolving a dispute on the ownership over the plot warranted revoking the appellant's title which constituted public interest.

We shall preface our discussion on this ground with the undisputed fact in two of the letters in exhibit D2; 26/06/1995 and 11/07/1995 that the first respondent required the appellant to surrender his title deed because he had obtained it fraudulently according to the investigation he had conducted. Through the said letters, the first respondent threatened the appellant with revocation failure to surrender upon the title. It is common cause that neither did the appellant heed to the demand nor did the first respondent actualise his threat. The last letter dated 11/09/1995 required the appellant to show cause why his right of occupancy should not be revoked for failure to surrender his title deed. If anything, the said letters speak for themselves that is, the first respondent did not require the appellant to surrender the title deed for

the purpose of any investigation on the complaint over the competing interest.

It is glaring that the first respondent had already made investigation revealing that the appellant had obtained the right of occupancy over the disputed plot fraudulently which warranted revocation (cancellation) of the title. Even though the respondent claimed that the appellant obtained his right of occupancy fraudulently in their amended written statement of defence, no evidence was adduced to support it. Indeed, the learned trial judge made a finding against that claim. In our view, had the claim by the first respondent that the appellant had obtained his title fraudulently been true, that would have constituted good cause within the ambit of the provisions of section 10 (1) of the Land Ordinance in force on the date of the impugned revocation. As the record would bear testimony, in a twist of things, the first respondent appears to have moved the President to revoke the appellant's right of occupancy on a ground different from what is reflected in exhibit D2. Instead, he chose to move the President to revoke the right of occupancy in public interest.

As seen earlier, according to the respondents, it was in public interest to revoke the appellant's title to solve an ownership dispute over

the disputed plot since two other people; Maria Maleko and Elinaike Kafuku had interest on the area. Mr. Rutabingwa has faulted the trial court in finding as it did that there was no evidence supporting revocation in public interest.

Consistent with our decision in **Mrs. Zubeda Ahmed Lakha** (supra), the burden of proof that there existed public interest warranting revocation of the appellant's right of occupancy lied in the respondents. Indisputably, the revocation was a result of what the learned trial judge inferred as double allocation of land which necessitated revoking the grant to the appellant made subsequent to the previous grant to Maria Maleko and Elinaike Kafuku. The learned trial judge sustained the respondent's contention that it was in public interest revoking the appellant's title to solve a double allocation problem.

The trial court relied on the Court's decision in **Attorney General v. Sisi Enterprises Ltd.**, Civil Appeal No. 30 of 2004 (unreported) for the proposition that public interest entails that justice should always be done and should be seen to be done. That decision was relied upon to support the findings that justice was done in the instant case because the appellant who was duly served with notice to show cause did not exercise his right to defend. All being equal that would be in order.

However, we are hesitant to say that all was equal in the circumstances of this case.

First, there was no proof of the notice to show cause being served on the appellant. Even if it was so, such notice was served 9 days after the expiry of the 28 days given. Despite the argument that the revocation was not carried out instantly, no explanation was given by DW1 why the said notice was sent belatedly. The fact that the appellant did not make any response to such notice is consistent with the argument that none was served. On the other hand, in view of the tone in the said notice, we do not think it would have served any useful purpose in responding to a demand for surrender of the title deed to enable the cancellation of it on the ground that the appellant had obtained it fraudulently.

Secondly, as submitted by Mr. Rutabingwa, the learned trial judge's finding that it was in public interest to revoke the appellant's right of occupancy to solve a double allocation problem was, with respect, erroneous. Such a finding was clearly inconsistent with the Court's decision in **Attorney General v. Sisi Enterprises Ltd**. (supra) in which the Court stated in no uncertain terms on what it entails to be public interest. Certainly, solving a double allocation problem fell outside

the ambit of public interest. In any case there was no evidence that there was indeed any double allocation involving plot No. 584 Block 'J', Mbezi Medium density area the more so because the two offers to Maria Maleko and Elinaike Kafuku on plot No. 487 Block F and 335 Block F respectively were distinct from the appellant's grant. DW1's did not produce any survey map showing how did the appellant's plot transcend into the two plots. It is significant that the first respondent did not say that the two individuals had interest in the plot rather in the area, whatever that meant.

On the whole, unlike the learned trial judge, upon our own re-evaluation of the evidence, there was no proof of existence of public interest as a ground for revoking the appellant's right of occupancy in pursuance of section 10 (1) of the Land Ordinance in force on the date of the impugned revocation. Consequently, the revocation was illegal and the instrument in that regard expressed in exhibit D1 executed on 19/11/1995 was null and void.

Our determination of grounds one and two makes it superfluous for us to belabour on ground three and five.

In the event, we find merit in ground one and two and allow the appeal as prayed by the appellant. In the upshot, we quash the

judgment of the High Court and substitute it with an order entering judgment for the appellant with an order for the restoration of his right of occupancy on plot No. 584 Block 'J', Mbezi Medium Density Area.

The appellant shall have his costs in this Court and the trial court.

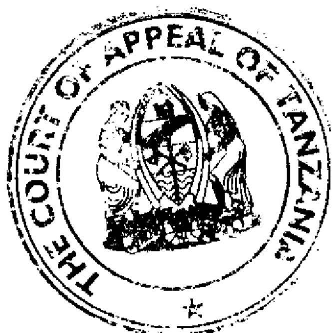
DATED at **DAR ES SALAAM** this 9th day of March, 2023.

J. C. M. MWAMBEGELE
JUSTICE OF APPEAL

W. B. KOROSSO
JUSTICE OF APPEAL

L. J. S. MWANDAMBO
JUSTICE OF APPEAL

The Judgment delivered this 10th day of March, 2023 in the presence of Mr. Evodius Rutabingwa, learned counsel for the Appellant and Ms. Magdalena Mwakabungu, learned Senior State Attorney for the Respondent, is hereby certified as a true copy of the original.



R. W. CHAUNGU
DEPUTY REGISTRAR
COURT OF APPEAL