

AT MWANZA

(PC) CIVIL APPEAL No. 96 OF 1993

(From the decision of the District Court of Musoma
at Musoma in Civil Appeal No. 81/92. Original Civil
Case No. 53/92 at Musoma District at Urban P/Court)

ABDUL MOHAMED..... APPELLANT

Versus

HAMISI JUMA..... RESPONDENT

J U D G M E N TMUNYERA, -J:

The appellant was the plaintiff in the trial. He sued the respondent for recovery of shs. 200,000/- damages for defamation. It was his case that sometime during the year 1992 the respondent, in the hearing of the people, uttered defamatory words against him that he was having love affair with his daughter. That he reported the matter to the state apparatus, the respondent was arrested, prosecuted and found guilty, Criminal Case No. 403/92. The trial court found the appellant had proved his case and pronounced judgment accordingly, but slashed the award to shs. 100,000/-. The respondent appealed to the District Court and won. The appellate District Magistrate ruled the trial court had overstepped its bound and quashed the whole case and left the appellant with liberty to refile his suit to an appropriate court.

With due respect the District Magistrate erred. This kind of defamations were being redressed under customary law or Islamic law from time immemorial. Therefore the trial court had jurisdiction to entertain this suit. I allow the appeal, set aside the judgment of the District Court and restore that of the trial court in its entirety. The respondent to pay the costs.

F. . MUNYERA

JUDGEAT MUSOMA

19th August, 1996.

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

J. Mwanza
DISTRICT REGISTRAR
MWANZA