

IN THE HIGH COURT OF TANZANIA

AT MBEYA

PC. CIVIL APPEAL NO. 15 OF 2001

(From the decision of the District Court of Mbeya in
Civil Appeal No. 8 of 2000 - Original Civil Case No.
4 of 1999 of Ilongo Primary Court)

YUSUFU MWASANYAGI APPELLANT

VERSUS

1. RASHID ALIY)
2. KASTAN NYAGAWA) RESPONDENTS
3. ELIKA WASONGE)

JUDGMENT

MACKANJA, J.

When this matter was being admitted it was observed that the appeal appeared to be time-barred. I will now elaborate.

The judgment from which it is appealed was delivered on 21st November, 2000 and the appeal, in terms of ERV No. 12224260 was instituted on 27th December, 2000. Simple computation shows that the appeal was instituted 36 days from the date of the impugned judgment. Now section 25 (1) of the Magistrates Courts Act, 1984 makes it mandatory that an appeal such as this one shall be instituted within thirty days from the date of the judgment. It follows that the appeal was lodged six days out of time.

In the result the appeal is dismissed with costs upon its being time-barred.

Delivered before all parties.

Sgd. J. M. MACKANJA

JUDGE

7/8/2002

Certified true copy of the original Judgment.



AG. DISTRICT REGISTRAR

MBEYA