



**IN THE HIGH COURT TANZANIA
AT BUKOBA**

(Bukoba Registry)

(PC) CIVIL APPEAL NO. 11 OF 2002

(From the decision of the District Court of Bukoba Civil Appeal No 35 of 2001 and original civil case No. 22/95 of Rubale Primary Court)(Before: M. M. Mang'ana Esq., RM)

BARTHAZAR MSIPI=====APPELLANT

VRS

AMRI MUSSA=====RESPONDENT

JUDGMENT

LUANDA, J.

One BARTHAZAR MSIPI is aggrieved with a decision of a district court in the exercise of its appellate jurisdiction from a case originating in primary court. He filed his appeal in this court.


But the appeal was filed on the 33rd day after the decision of the district court. The decision of the district court was delivered on 11/10/2001 whereas the appeal was lodged on 13/11/2001 vide ERV 14201103.

In law such an appeal is required to be filed within 30 days after the date of the decision (See S. 25 (1) (b) of The Magistrates' Courts Act, 1984).

(2)


As the appeal was filed outside the prescribed time of 30 days and without leave of this court, the appeal is time barred. The appeal is dismissed with costs.

Order accordingly.



B. M. Luanda
JUDGE
20/8/2004

Judgment delivered in the presence of the parties.



B. M. LUANDA
JUDGE

AT BUKOBA
20/8/2004