

IN THE HIGH COURT OF TANZANIA

AT BUKOBA

(PC) CIVIL APPEAL NO. 62/2001

(From Muleba civil appeal No. 8/2001 and original civil case No. 41/98 of Muhutwe Primary Court) (Before: S.R. Wenfurebe Esq. H/M)

WINCHESLAUS BERNADO.....APPELLANT

VRS.

MARIA HENERCO.....RESPONDENT

JUDGMENT

LUANDA, J.

In law if one is aggrieved with a decision of a district court exercising its appellate or revisional jurisdiction in matters arising from primary courts and intends to appeal to this court, he is required to do so within 30 days after the date of the decision. In case he is late or/ ^{feels that} ^{unable} he will be/ to do so he can ask leave of the court; of course on showing good cause. This is provided under S. 25 (1)

(b) of the Magistrates Courts Act, 1984. The section reads:-

25 (1) Save as hereinafter provided -

(a) N/A

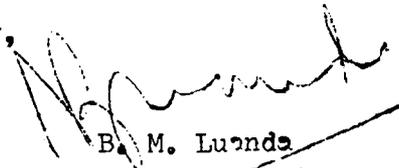
(b) in any other proceedings any party, if aggrieved by the decision or order of a district court in exercise its appellate or revisional jurisdiction may, within thirty days after the date of the decision or order, appeal therefrom to the High Court:

Provided that the High Court may extend the time for filing an appeal either before or after such period of thirty days, has expired.

In this appeal judgment of the district court was delivered on 7/8/2001. The appeal to this court was lodged on 12/9/2001 vide ERV 12222663. It was filed on the 35th day i.e. it is late by five days.- and it was filed without leave of this court.

As that goes contrary to law, the same is dismissed with costs.

Order accordingly,

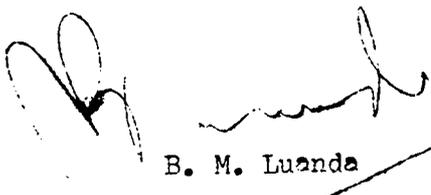


B. M. Luanda
Judge
9/7/2004

Judgment delivered

Helena Wenceslaus for the Appellant

Present in person - Respondent.



B. M. Luanda
JUDGE

AT BUKOBA

9/7/2004.