

**IN THE HIGH COURT OF TANZANIA  
AT DAR ES SALAAM**

**CIVIL APPEAL NO. 2 OF 2004**

*( From the Decision of the RM'S Court at Kisutu in  
Employment cause No. 145 of 2001 Seme SRM )*

**BASHIRI MASSA.....APPELLANT**

***VERSUS***

**DIRECTOR INTERGRATED STEEL  
MILLS LTD .....RESPONDENT**

**J U D G M E N T**

**A. Shangwa, J.**

In this case, the Appellant BASHIR MASSA is appealing against the ruling of the Court of the Resident Magistrate at Kisutu in employment cause No. 145 of 2001 in which his Bill of costs was dismissed by SEME, SRM on 12/6/2003.

There is only one major ground of appeal in this case which is worthy of consideration by this Court . It reads as follows :

*" That the Magistrate erred both in law and fact by denying the Appellant costs which he incurred during the whole conduct of the case knowing that the Appellant was coming from Tanga".*

From the trial Court's ruling, I have gathered that the Appellant's Bill of costs was dismissed due to the fact that it was filed in Court without there being an order for costs.

The question to be determined by this Court is whether or not the Appellant's Bill of Costs was properly dismissed by the trial Court.

In my opinion, his Bill of costs was properly dismissed by the trial Court because it was filed by him without any basis . The judgment which was entered in his favour on 19/9/2001 was entered without any order as to costs. As such, he was not legally justified in filing a Bill of costs to be taxed by the Court which entered judgment in his favour without granting him such an order.

What he was actually supposed to do is to file an appeal against the order of the Court dated 19/9/2001 in which judgment was entered in his favour without costs. For this reason, I hereby dismiss this appeal. As the Appellant is a pauper, I make no order as to costs.

  
**A. Shangwa, J.**

**8/12/2005**

Delivered in open Court this 8<sup>th</sup> day of December, 2005.

  
**A. Shangwa,**

**JUDGE**

**8/12/2005**