

IN THE HIGH COURT OF TANZAIA
AT DAR ES SALAAM
(Coram: Othman, J.A. Mandia, J.A., And Oriyo, J.A.)

CIVIL APPEAL NO. 58 OF 2004

NATIONAL INSURANCE CORPORATION.....PLAINTIFF
VERSUS
HAWA MSALANGI.....DEFENDANT

**(Appeal from the Judgment and Order of the High Court of
Tanzania at Dar es salaam**

(Bubeshi, J)

dated the 28th January, 2003

in

Civil Case No. 250 of 1996

ORDER OF THE COURT

OTHMAN, J.A.:

When the appeal was called to a hearing Mr. Mhango, learned advocate for the appellant conceded that the decree being appealed against in High Court Civil Case No. 210 of 1996 is defective as (a) it bore a different date from being the judgment – and (b) it was erroneously signed by the District Registrar instead of the Judge, Contrary to Order XX Rule 7 of the Civil Procedure Code, 1966. He insisted the Court to strike out the appeal.

Indeed, as admitted the decree is inerrably defective for offending order X Rule 7.

This renders the purported appeal incompetent we hereby proceed to trike out the appeal, with no order as to costs. It is so ordered

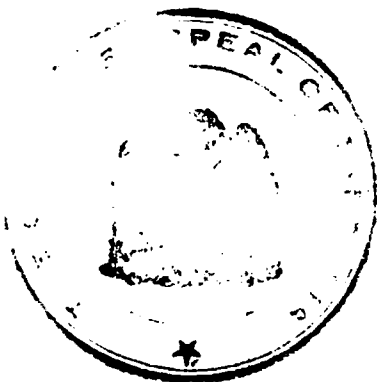
DATED at DAR ES SALAAM this 16th day of October, 2009.

M.C. OTHMAN
JUSTICE OF APPEAL

W.S. MANDIA
JUSTICE OF APPEAL

K.K. ORIYO
JUSTICE OF APPEAL

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




E.Y. MKWIZU
DEPUTY REGISTRAR