

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY
AT MWANZA**

PC. MISC. CIVIL APPEAL NO. 37 OF 2007

*(Originating from Civil Appeal No. 92 of 2006 of Magu,
Originating in Civil Case No. 22 of 2006 from Kongoro
Primary Court)*

BOBOTE KILASA APPELLANT

Versus

VUMILIA COSMAS RESPONDENT

RULING

G. K. RWAKIBARILA. J

This appeal was instituted on 25.07.2007 by appellant **Bobote Kilasa**. But from that day, respondent Vumilia Cosmas and this appellant have continuously absented themselves in court on all occasions when the same appeal was set for mention.

The law is that in civil proceedings akin to this one, parties are supposed to prosecute their respective cases. But in July this year, parties shall be celebrating the second year since July 2007, when they commenced involvement in the mischief of absenteeism. As a result, this appeal is at this juncture, dismissed for want of its prosecution.

For record purposes appellant and respondent shall shoulder their own costs in this appeal. But the decision of the trial Kongole primary court in civil case No. 22 of 2006 and the decision in the first appellate court civil appeal No. 92 of 2006 are not disturbed.

G. K. Rwakibarila
JUDGE
28.04.2009

Court:

Right of appeal not explained to parties this 28th day of April, 2009 but their respective rights for appeal to be communicated to them when they shall show up in court.

G. K. Rwakibarila
JUDGE

At Mwanza
28.04.2009