

IN THE HIGH COURT OF TANZANIA

AT DAR ES SALAAM

CIVIL APPEAL NO. 86 OF 2013

*(Original Civil Case No. 18 of 2003 in the Resident Magistrate's
Court of Morogoro at Morogoro)*

RAMADHANI SALUMAPPELLANT

V.

SELEMANI HARUNA.....RESPONDENT

Date of last Order :.....29/12/2015

Date of Judgment :.....18/02/2016

JUDGMENT

Shangwa, J.

The Appellant Ramadhani Salum was aggrieved by the decision of the Court of the Resident Magistrate at Morogoro in Civil Case No. 18 of 2003

delivered on 10th January, 2013. In his Memorandum of Appeal, the Appellant raised four grounds of appeal in which he faults the Senior Resident Magistrate, Kabate, RM for arriving into wrong findings of fact, for being biased against him, for failure to analyse and evaluate evidence given by the Respondent and granting reliefs which were not sought by the Respondent.

The dispute between the parties before the court below concerned unregistered plot located in Kingolwira Morogoro Region. The Appellant (Plaintiff) sued the Respondent (defendant) for trespass on the said plot i.e. No. 287 and prayed the court to raise the attachment of the suit premises in execution of

the decree in Civil Case No. 1 of 1997 and declare him the lawful owner of the said plot and grant him general damages of Tshs. 10,000,000/=. He lost the case.

Before the court below, the Appellant claimed that the disputed plot did not belong to his son Kassim Ramadhani but it belonged to him. He testified that he was allocated this plot in the 1970's during operation Vijiji. That he paid property tax for this plot amounting to Tshs. 4,000/=. His testimony was supported by P.W.2 Ali Suleiman Hawayo and P.W. Alli Mrisi Mboto who said that P.W. 1 (Appellant) was allocated land at Kingolwira during