

**IN THE HIGH COURT OF TANZANIA**  
**(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**CIVIL APPEAL NO. 45 OF 2016**

(Arising from Temeke District Court Revision Application No. 6 of 2013)

**WINNY MAPUNGA .....1. APPELLANT**  
**AHMED HASHIM MPOMO (Legal Personal Representative**  
**of the late MAUA ADAM)**

**VERSUS**

**FLAMINGO AUCTION MART.....RESPONDENT**

**Date 19/02/2018**

Coram: Hon. Muruke, J.

For the Appellant

For the 2<sup>nd</sup> Appellant

For the Respondent

}	Present
-	Absent

CC: Zawadi

**RULING**

**MURUKE, J.**

This matter originated from Temeke Primary Court in it's original jurisdiction. The Dispute was in relation to matrimonial proceedings. After Judgment matrimonial house was sold to pay the amount claimed by 1<sup>st</sup> appellant wife, Maua Adam. In the 1<sup>st</sup> appellate court appellant challenged sale. 1<sup>st</sup> appellate court, dismissed the application, on the reason that buyer is not part of

the proceedings. Equally this court is of the same view that, not only buyer is not part of proceedings but also this court has no jurisdiction, to nullify sale in the manner this appeal has been brought. Appellant ought to have filed fresh suit to challenge sale in a proper Forum, against Court broker and the buyer. Without wasting much time, appeal is dismissed for lack of merits.

It is so ordered.



Z. G. Muruke

**JUDGE**

**19/02/2018**