

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

CIVIL APPEAL NO. 21 OF 2018

(Originating from the Misc. Appln. No. 20/2017 at Kinondoni District court)

BAKARI MOHAMED.....APPELLANT

VERSUS

HADIJA JOHN.....RESPONDENT

RULING

MURUKE, J.

This appeal has been filed in a wrong registry. It is matrimonial Appeal originated from District Court, appeal ought to have been filed in a court that tried the case in terms of section 80 (2) of the law of Marriage Act, Cap 29, R.E. 2002 which provides as follows:

“Any appeal to the High Court shall be filed in the magistrate court within forty five days of the decision or order against which the appeal is brought”.

In this particular case, appellant filed this appeal vide exchequer receipt No. 18882635 dated of 22nd January 2018, in the High Court District Registry, contrary to section 80 (2) of the law of marriage Act, Cap. 29, R.E. 2002.

Thus Appeal is struck out for being filed in a wrong registry contrary to section 80 (2) of the Law of Marriage Act, Cap 29, R.E. 2002 Since, respondent has not been served, there shall be no order as to costs.



Z. G. Muruke

JUDGE

15/02/2018