

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

BANKRUPTCY PETITION CAUSE No. 1 OF 2019
IN THE MATTER OF BANKRUPTCY ACT (CAP. 25 R. E 2002)

In the Matter of own Petition for Bankruptcy of

JUMA KHAMIS MANDAR.....PETITIONER

RULING

9th April, 2020 – 23rd June, 2020

J. A. DE - MELLO J;

The Petitioner **Juma Hamisi Mandaro** has instituted this Petition since the **23rd of September 2019**, moving the Court under **section 8** of the **Bankruptcy Act Cap. 25 R.E 2002, Rules 106,107, 108** and, **109** of the **Bankruptcy Rules**.

However, since the inception of the same on **3rd of November, 2019**, to-date, the Petitioner has neither entered appearance nor submitted in as far as record is concerned. For clarity, it was ordered and in absentia, on the **26th of March, 2020** that, the said Petition be argued by writing for timely dispensation of justice. Ruling was slated for the **9th of April 2020**. In absence of the same, the Court extended the Ruling to **18th of June 2020**, but to no avail. This translates into Non compliance of Court of orders which attracts penalties as have been observed in several cases as was in the case of **Director of Public Prosecutions vs. Said Saleh Ali, Criminal Appeal No. 476 of 2017, Court of Appeal of Tanzania at Zanzibar** held that;

"...if a party fails to file his/her submission on scheduled date it is equated as if he/she has failed to appear on a hearing date with a consequence of dismissing the matter before the Court."

Hence, I accordingly dismiss the Petition simply for non compliance of Court orders, more so for **'Want of Prosecution'**.

It is so ordered.




J. A. DE- MELLO

JUDGE

23rd June, 2020