

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

AT DAR ES SALAAM

PC CIVIL APPEAL NO. 66 OF 2019

(Originating from Ilala District Court at Samora Avenue in Civil Appeal No. 80/2018)

MOHAMED AHMAD SOLI & ANOTHER APPELLANT

VERSUS

RAJABU SHABANI KINANDE & ANOTHER RESPONDENT

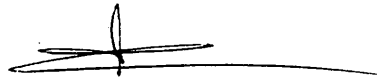
RULING

Date of Ruling: 13 March, 2020

HON. RWIZILE, J.

The appeal has been before me for the second time, the first time it appeared, was on 25/2/2020. But before, that it was called before Fovo, DR in the absence of trial judge. My brother Kulita, J. who by then was in conduct of the matter. The same was transferred to me, and on the day it was assigned/fixed for hearing on 25/2/2020 the 2nd appellant was present and has never appeared again. Even though Mr. Adinani for the respondent did not pray for dismissal of the same. It is my conviction that if one files an appeal which has been in court since May 2019, and yet does not come to

prosecute it, the only option is to dismiss it for want of prosecution and not to adjourned it. The appeal is dismissed for want of prosecution. It is dismissed with costs.



Hon. A. K. Rwizile

JUDGE

13/3/2020