

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

AT DAR ES SALAAM

CIVIL APPEAL NO. 150 OF 2019

MARTHA JOHN SANGA APPELLANT

VERSUS

MAHENDRA SINGHVI 1ST RESPONDENT

MKUBWA HEMEDMKUBWA 2ND RESPONDENT

RULING:

Date of Ruling: 24/3/2020

RWIZILE, J.

This appeal arises from the decision of the court of Resident Magistrate of Dar es salaam Region at Kisutu. The appellant went to the court in Civil Case No. 4/2019. The appellant lost the case and given costs from the law the trial magistrate erred in law to so hold, when in fact the appellant was an aided person. We pray that our appeal be allowed by quashing the decision of the lower court.

Mr. Luteja: In line with Section 31(1) of legal Act, Act. No. 1 of 2017, we do not contest the appeal to the extent that the appellant is excused from costs of the case. The same was represented by TAWLA and could not therefore take her case in person. At the end of the day, a point in famine it

is was raised on Jurisdiction of the case. In the amended plaint which TAWLA filed had a certificate to the exception of fees. TAWLA being a legal and provider therefore lost the matter. The court ruled that it had no jurisdiction to determine the same.

On final analysis, the appeal is allowed. I make no order as to costs.

Hon. A. K. Rwizile

JUDGE

24/3/2020