

IN THE HIGH COURT OF TANZANIA
(LAND DIVISION)
AT DODOMA

PC. CIVIL APPEAL NO. 1 OF 2021

(Originating from Civil Appeal No. 52 of 2019 of the District Court of
Dodoma and Civil Case No. 145/2019 of Dodoma Urban Primary Court)

AGUSTINO KAPUNGAAPPELLANT

VERSUS

LUCY SOMBELA NDUNGULU.....RESPONDENT

Date of Judgment: 19TH APRIL 2021

JUDGEMENT

HON. L. MANSOOR, J.

It is true that the appeal No. 52 of 2019 between the parties herein was not determined on merits and thus the appellant was denied a chance to be heard which is against the principles of natural justice. The appeal ought to have been struck out and not to be dismissed so as to give a chance to the respondent to re-file the appeal. For these reasons, I allow the appeal and order that Civil Appeal No. 52 of 2019 between the parties herein be re-admitted. The appeal shall now be determined on merits and the

appellant may choose to appear in person or engage a different advocate.

Appeal allowed with no costs.




L. MANSOOR

JUDGE

19/4/2021