

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

AT DAR ES SALAAM

CIVIL APPEAL NO. 265 OF 2020

(Arising from Civil Case No. 6 of 2019 from District Court of Mvomero at Mvomero)

VEHICLE AND EQUIPMENT LEASING (T) LIMITED.....APPELLANT

VERSUS

JEREMIA CHARLES NYAGAWA.....RESPONDENT

RULING

Date of last Order: 26/05/2021

Date of Ruling: 26/05/2021

MLYAMBINA, J.

This is an appeal arising out of the Judgment and Decree of the District Court of Mvomero at Mvomero in *Civil Case No. 6 of 2019* dated 27th July, 2020. The appeal was duly filed on 27th October, 2020.

In reply, the Respondent raised a *plea in limine lits* that; *this court has no jurisdiction to entertain this appeal for the same is time barred.*

When the appeal came for a hearing on 26th May, 2021, learned Counsel John James for the Respondent conceded to the raised preliminary objection but prayed costs be waived, a prayer of which

was not contested by learned Counsel Baraka Lweeka for the Appellant.

I had time to go through the records. I got satisfied that this appeal was filed after 92 days from the date of the impugned decision contrary to the provisions of *Section 3 and Part II item I of the Schedule of the Law of Limitation Act, Cap 89 (R.E. 2019)* which requires an appeal be filed within 90 days from the date of the decision. Further, the said provision requires to dismiss an appeal filed out of 90 days.

In the event, the appeal is hereby marked dismissed for being time barred. Let each party bear its/his own costs. Order accordingly.



Y. J. MLYAMBINA
JUDGE

26/05/2021

Ruling delivered and dated 26th May, 2021 in the presence of John James Advocate for the Appellant and in the presence of Baraka Lweeka Advocate for the Respondent.



Y. J. MLYAMBINA

JUDGE

26/05/2021

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