

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE DISTRICT REGISTRY OF KIGOMA)

AT KIGOMA

LAND DIVISION

(APPELLATE JURISDICTION)

LAND CASE NO. 8 OF 2021

JUMANNE S/O CHAKUPEWA MCHONDO.....PLAINTIFF

VERSUS

BAHEBE S/O RUTUBISHA.....1st DEFENDANT

SENGEREMA S/O DAUDI (the administrator of the
estate of the late **DENDE S/O LUTAMLA**).....2nd DEFENDANT

MPETA VILLAGE COUNCIL.....3RD DEFENDANT

UVINZA DISTRICT COUNCIL.....4TH DEFENDANT

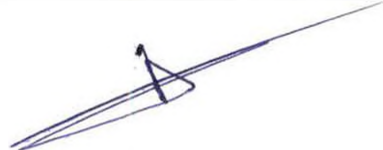
HON. ATTORNEY GENERAL5TH DEFENDANT

R U L I N G

10th & 10th August, 2021

A. MATUMA, J.

When this case came for 1st Pre-trial conference, in the course of verifying the parties, it transpired that one of the parties entered appearance both as the Plaintiff and as the 2nd Defendant. At first, he stood as Jumanne



Chakupewa Mchondo being introduced by his advocate Joyce Godfrey. In that name he is the Plaintiff and his advocate introduced him as such.

When I entered Roll-call to the 2nd Defendant, it was to my surprise the same person who stood as the Plaintiff, stood again as the 2nd Defendant. I asked him was he both or he was either of the two Jumanne Chakupewa Mchondo or Sengerema Daud. He said he is Sengerema Daud the 2nd defendant.

Joyce Godfrey learned advocate who entered appearance for the plaintiff expressed her concern against this man stating that he is the one who went to pick her from the office as the plaintiff Jumanne Chakupewa Mchondo. She submitted that it was the first time for her to meet him as a Plaintiff because this case has been handled by Mr. Kabuguzi learned advocate who was on safari.

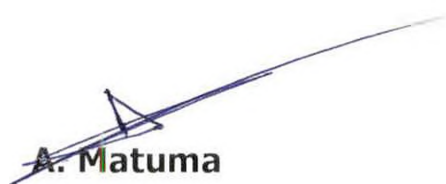
Mr. Allan Shija learned State Attorney on his party prayed the suit to be dismissed for want of prosecution in the circumstances of what has transpired.

I agree with Mr. Allan Shija learned State Attorney that this suit should be dismissed for want of prosecution because the plaintiff is absent without notice. The presence of Joyce Godfrey learned advocate cannot serve the purpose for the appearance of the plaintiff because she was very clear

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that her presence was instigated by the 2nd defendant whom she thought was the plaintiff. It was the 2nd Defendant who went to his office and pick her to this court. With necessary implication, the learned advocate could have not entered appearance had the 2nd defendant not gone to his office to pick her. I have no any other option than dismissing this suit for want of prosecution because of the absence of the plaintiff without any notice. This suit is therefore dismissed for want of prosecution. No orders as to costs. It is so ordered.




A. Matuma

Judge

10/08/2021

Court: Ruling delivered in the presence of Joyce Godfrey learned advocate, Advocate Sogomba for 1st defendant, 2nd defendant in person and in the presence of Allan Shija learned State Attorney for 3rd, 4th and 5th Defendants.

Sgd: A. Matuma

Judge

10/08/2021