

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

MISC. CIVIL APPLICATION NO. 184 OF 2021

HAND ENTERPRISES APPLICANT

VERSUS

KILOMBERO CANE GROWERS

COOPERATIVE SOCIETY LIMITED RESPONDENT

Date of Last Order: 03/06/2021

Date of Ruling: 20/07/2021

R U L I N G

MGONYA, J.

In the cause of determining the instant Application, it came to my knowledge that the Application before the **Court** is incurably defective for offending **Rule 49 (3) of the Court of Appeal Rules, 2019**. The same states:

"Every application for leave to appeal shall be accompanied by a copy of the decision against which it is desired to appeal and where application has been made to the High Court for leave to appeal by a copy of the order of the High Court."

Among the documents that has been brought to court by the Applicant, the decision subject to appeal to the Court of Appeal, that is the **Judgment by Hon. Masabo, J. in Civil Appeal No. 234 of 2020 delivered on 18th day of March, 2021** ought to have been attached to the instant Application as law requires and for ease of reference.

It has to be noted that, in order for the Judge to rule out that there are points of law to be determined by the Court of Appeal, he/she has to satisfy himself upon reading the entire judgment to ascertain that. Failure of attaching the decision thereto is fatal and occasions failure to determine the Application accordingly.

In the event therefore, where the said copy of decision is not attached contrary to **Rule 49 (3) of the Court of Appeal Rules 2019**, then I am left with no option rather than to **STRUCK OUT** the Application as I accordingly do.

Forthwith, the Application is accordingly **struck out with costs**.

It is so ordered.

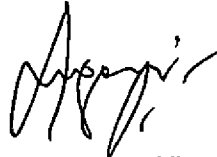


L. E. MGONYA

JUDGE

20/07/2021

Court: Ruling delivered in my chamber in presence of the Abdul Aziz, Advocate for the Applicant and Juma Mwakimatu, Advocate for the Respondent and Mr. Richard, RMA this 20th day of July, 2021.



L. E. MGONYA
JUDGE
20/07/2021