

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(MWANZA SUB-REGISTRY)**

AT MWANZA

PC. CIVIL APPEAL NO. 46 OF 2021

**(Originating from Kharumwa Primary Court Civil Case No.21 of 2021, from
Civil Revision No. 4 of 2021 in the District Court of Geita)**

RAMADHAN JUMANNE.....APPELLANT

VERSUS

JEROME MSUMI.....1ST RESPONDENT

BAHATI LUCAS2ND RESPONDENT

RULING

5th July,2022

W.P. DYANSOBERA, J:

The appellant on 16th July 2021 filed this appeal impugning the decision of the District Court of Geita in Civil Revision No.04 of 2021.

The matter was set for hearing on 10/09/2021 and parties were ordered to attend. On 05/10/2021 the Appellant Counsel Mr.Fidelis Mteuele was present through audio Conference prayed for adjournment as assigned Advocate was sick.

The matter was adjourned to 27/10/2021 the hearing was put off to 22/11/2021 whereby the appearance was the same as on the previous date. The matter then underwent several adjournments. For the subsequent two occasions, that is on 22/2/2022 and 20/4/2022 whereas the Appellant and his Counsel defaulted appearance without notice. Today 5/7/2022 when the matter came before me for hearing the Appellant as usual, defaulted appearance.

In dealing with adjournments, apart from observing the law of the land, this court is duty bound to take into consideration the guidance of the Court of Appeal on courts discouragement of adjournments which decision is binding on this court. As in detail

discussed in the case of **Ibrahim Said Msabaha v Lutter Symphorian Nelson and the Attorney General**, Civil Appeal No.4 of 1997.

Since the matter has taken long it seems the appellant lacks seriousness in prosecuting his appeal, otherwise, the appellant has lost interest in pursuing his appeal..

Consequently, in the interest of justice, the appeal stands dismissed for want of prosecution.

Order accordingly.



W.P.Dyansobera

Judge

5.7.2022

Ruling delivered this 5th day of July,2022 in the absence of both parties.



W.P.Dyansobera

Judge