THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

IRINGA DISTRICT REGISTRY

AT IRINGA

CIVIL APPEAL NO. 16 OF 2020.

(Originating from the Court of Resident Magistrate of Iringa, at Iringa, in Civil Case No. 2 of 2018).

MUSTAPHA LYAPANGA MSOVELA..... APPELLANT

VERSUS;

1. **TANZANIA ELECTRIC SUPPLY CO. LTD IRINGA REGIONAL MANAGER.....1ST RESPONDENT**
2. **TANZANIA ELECTRIC SUPPLY CO. LTD HEAD OFFICE.....2ND RESPONDENT**

JUDGMENT

5th May & 4th August, 2022.

UTAMWA, J.

The appellant, MUSTAPHA LYAPANGA MSOVELA was aggrieved by the ruling dated 12th December, 2017 (The impugned ruling) of the District Court of Iringa District, at Iringa (The trial court). He thus, preferred the present appeal to this court. According to the memorandum of appeal, the appeal is against what the appellant termed as TANZANIA ELECTRIC SUPPLY CO. LTD IRINGA REGIONAL MANAGER and TANZANIA ELECTRIC SUPPLY CO. LTD HEAD OFFICE, henceforth the first and second respondent respectively.

Briefly, the chequered background of the matter goes thus: the appellant sued the first respondent before the trial court, and through the Civil Case No. 2 of 2015 (The original suit). He claimed for *inter alia*, compensation of Tanzanian Shillings (Tshs.) 4,000,000/= being damages due to mental strains caused by the first respondent. In the written statement of defence (WSD), the first respondent denied liability and prayed for the court to dismiss the suit with costs. The first respondent further raised a preliminary objection to the effect that the appellant had no *locus standi* in the suit. The trial court upheld the objection and dismissed the suit. Aggrieved by that ruling, the appellant appealed to this court against that dismissal order. This court (Shangali, J. as she then was) in turn, quashed the said ruling and ordered the trial court to proceed with the hearing of the suit. The matter was thus, remitted back to the trial court. The first respondent again raised another preliminary objection to the effect that the trial court had no jurisdiction. This led to the dismissal of the suit through the impugned ruling now subject to this appeal.

Indeed, I do not think if the order by my sister (Shangali, J.) meant that the respondents were precluded from raising any other genuine preliminary objection as they did. They thus, had the right to raise another preliminary objection which led to the impugned ruling despite the order made by this court (Shangali, J.).

The appellant still determined to pursue his right, appealed to this court against the impugned ruling. However, this court again, (Kente, J. as he then was) struck out his appeal for being defective. Nevertheless, he

was granted leave to refile it. He has now re-lodged the present appeal basing on seven grounds. I will not reproduce the grounds due to the nature of this judgment as it will be explained soon.

At the hearing of the appeal, the appellant appeared in person and unrepresented. The two respondents were represented by Ms. Frida Swalo, learned advocate. The appeal was argued by way of written submissions.

Upon the respective written submissions being filed by the parties, this court posed for composing its judgment on appeal. In the course of doing so however, it encountered some crucial legal issues which had not been addressed to by the parties in their respective written submissions in relation to the grounds of appeal. The issues arose from the following facts gathered from the record: that, it was notable from the record that, the plaintiff before the trial court was the current appellant, MUSTAPHA LYAPANGA MSOVELA. On the other side of the suit, there was only one defendant, i.e. "TANZANIA ELECTRIC SUPPLY CO. LTD IRINGA REGIONAL MANAGER." These are the facts reflected in both the plaint and the impugned ruling of the trial court.

Again, according to the Memorandum of appeal (in the record of the present appeal) it is shown that, the person who was the plaintiff before the trial court (or the original plaintiff) is the appellant. It is further shows that, the person who was defendant before the trial court (or the original defendant) is now the first appellant. There is however, an additional respondent by the name of "TANZANIA ELECTRIC SUPPLY CO. LTD HEAD

OFFICE" who stands as the second respondent. nonetheless, the second respondent was not party to the original suit before the trial court.

It was further noted that, the record does not give answers to the following issues; how did the second appellant get joined to the appeal though she was not party to the original suit before the trial court? Did the original defendant (now the first respondent in the instant appeal) have any legal personality which could make him legally capable of being sued before the trial court? Furthermore, none of the grounds of appeal is related to these questions. The arguments advanced by the parties in their respective written submissions (regarding the grounds of apeal) did not also suggest any answer to these questions.

The court also noted that, the respondents were complaining (in their replying submissions) against the improper citation of their respective names. This court therefore, through the order dated 31st March, 2022 re-opened the proceedings and directed the parties to address it on the following five issues;

i. Whether or not the appeal at hand was properly filed before this court.

ii. Whether or not the original suit was properly filed before the trial court.

iii. Whether there is any inconsistence in citing the respective names of the original defendant before the trial court and the two respondents in the instant appeal.

iv. In case the answers to all the three preceding issues or to any of them is negative, then what will be the legal consequences to the original suit, the impugned ruling and the appeal at hand.

v. Which orders should this court make depending on the answers to the four preceding issues.

The court undertook to consider the five legal issues together with the issues that would arise from the parties' submissions on the grounds of appeal.

The course taken by this court in re-opening the proceedings and directing the parties to address it on the discovered court issues was based on the guidance of the Court of Appeal of Tanzania (The CAT). The same was made in the cases of **Zaid Sozy Mziba v. Director of Broadcasting, Radio Tanzania Dar es salaam and another, CAT Civil Appeal No. 4 of 2001, at Mwanza** (unreported) and **Pan Construction Company and Another v. Chawe Transport Import and Export Co. Ltd, Civil Reference No. 20 of 2006, CAT at Dar es Salaam** (unreported). These precedents essentially guide that, where in the course of composing its decision a court discovers an important issue that was not addressed to by the parties at the time of hearing, it is duty bound to re-open the proceedings and invite the parties to address it on the discovered issue before it decides the issue.

Moreover, that course was necessitated by the firm and trite principle of our law that, courts are enjoined to decide cases according to the law

and the Constitution of the United Republic of Tanzania, 1977, Cap. 2 R. E. 2002 (The Constitution). This is irrespective of reaction by the parties to court proceedings. This stance of the law is indeed, underscored under article 107B of the Constitution. It was also underlined in the case of **John Magendo v. N.E. Govan (1973) LRT n. 60**. In support this legal stance the CAT also held in the case of **Tryphone Elias @ Ryphone Elias and another v. Majaliwa Daudi Mayaya, Civil Appeal No. 186 of 2017, CAT at Mwanza,** (unreported Ruling), that, normally a court cannot close its eyes on a glaring illegality, the duty of courts is to apply and interpret the laws of the country. It added that, superior courts have the additional duty of ensuring proper application of the laws by the courts below.

In response to the court order, the parties accordingly made their respective written submissions on the court issues as shown below.

In regard to the first issue, the appellant essentially submitted that, section 74(a), Order XL read together with rule 10 of Order VII of the Civil Procedure Code, Cap. 33 R.E 2019 (The CPC) permit appeals to the High Court against orders from subordinate courts and tribunals. The appeal at hand is against the order of the trial court which transferred the original suit to EWURA Tribunal. He added that, his claim is not against electric meter charges or meter bills. It is based on the wrong act of posting the bill of Tshs. 2,617,779/90 to the electric Luku Meter No. 0139825095 purporting that the Luku belongs to one Ester Mchomi while the same belongs to the appellant. Therefore, the suit was a pure tortious claim triable by the trial court.

The appellant further contended that, the two houses 6B and 6A (related to the original suit) are adjoined to each other. In 2012 he paid an outstanding bill of Tshs. 425,224/90 in reference to the electric Meter No. 01319825095 before he was offered the said electric Luku. Furthermore, there is nowhere in the law which ousts the jurisdiction of the trial court from entertaining his claim. He also charged that, taking the suit to the EWURA tribunal will be like putting fingers in the mouth of an enemy since the tribunal will be biased.

On the second court issue, the appellant submitted that, the claim is not on electric meter charges, but on meter bills. It is against the wrong act by the respondents in posting the bill to a wrong person. The suit was therefore, properly filed before the trial court with jurisdiction to adjudicate it.

He submitted in relation to the third issue that, it is true, there is inconsistence in naming the defendants in the trial court and at the instant appeal. However, the court should adjudicate the dispute as in the original jurisdiction in respect of this suit. He also insisted that, the court should treat the names of the defendant as "Tanzania Electric Supply Company Limited." He further urged the court to do away with technicalities as directed under Article 107A of the Constitution. This court should thus, decide the present appeal on merits.

On the fourth issue, the appellant urged the court to consider section 76(2) of the CPC and dispense justice.

In relation to the fifth issue, the appellant opted to leave it for the court to decide it.

In his replying submissions, the respondents' counsel submitted in relation to the first court issue as follows: that, this appeal is not properly before this court. This was because, the parties are different from the original case. The general position is that, parties to the appeal must be the same as in the trial court. There is an exception to this general rule only where an interested party seeks and obtains leave of the court to be joined in the appellate proceedings. In the instant appeal, the appellant ought to have maintained the parties as they were before the trial court.

It was also the contention by the respondents' counsel that, the appeal was not properly lodged before this court as the memorandum of appeal contains the name of the second respondent who was not a party to the original suit. Order XXXIX Rule 3(1) provides for rejection of a memorandum of appeal which is not properly drawn up as prescribed by the law. To cement this position, she cited the case of **MIC Tanzania Limited v. Hamisi Mwinyijuma and Others, Civil Appeal No. 64 of 2016, High Court of Tanzania Main Registry** (unreported).

Regarding the second court issue, the learned counsel for the respondents argued that, the appellant had sued before the trial court the first respondent in his personal capacity and not as an institution. This is contrary to the Companies Act, Cap. 212 R.E 2019 which provides for personal capacity when a company is incorporated. He added that, a

limited company is sued in its own name. The original suit was not therefore, properly filed before the trial court.

In relation to the third issue, the respondent's counsel argued that, there were inconsistencies in citing the names of the defendant at the trial stage and that of the respondents at the instant appeal. At the trial stage, the name of the defendant was cited as "Tanzania Electric Supply Company Ltd Iringa Regional Manager." In the instant appeal the name of the first respondent was cited as "Tanzania Electric Supply Company Ltd Iringa Regional Manager" and that of the second respondent was cited as "Tanzania Electric Supply Company Ltd Head Office." However, the respondent is a limited liability company registered in the name of "Tanzania Electric Supply Company Ltd." This is in accordance to its certificate of incorporation issued by the Business Registration and Licencing Agency (BRELA). There were thus, clear differences between the names cited in the proceedings and the actual name of the respondents.

On the fourth issue, the respondent's counsel submitted that, once a plaintiff fails to file his/her suit properly, the same becomes incompetent. And where the court entertains an incompetent suit, its ruling or judgment becomes null and void. To cement this position, she cited the case of **Ngoni-Matengo Cooperation Marketing Union Ltd v. Alima Mohamed Osman [1959] EA 577.**

The respondent's counsel further argued that, the trial court having found that it had no jurisdiction, it ought to have struck out the suit and not to dismiss it. A dismissal order is made when the court has heard and

determined a matter on merits and not otherwise. To emphasize this position, she referred the court to the case of **Sprian Maguru v. Emmanuel Mwamahonje and Mumba Village Council, Land Appeal No. 59 of 2021 High Court of Tanzania, Mbeya District Registry** (unreported).

On the fifth and last legal issue, the learned advocate for the respondents urged this court to strike out the appeal and set aside the ruling of the trial court.

In his rejoinder submissions, the appellant contended that, the respondents are precluded from the objection against their names as appearing in this appeal. They ought to have filed a cross-appeal as provided under section 75 of the CPC. This court cannot therefore, consider their submissions in that respect because, they have contravened the law by failing to file their cross-appeal. The prayer to have this appeal struck out in his view could be strong only if the respondents had filed a cross-appeal.

It was also the appellant's contention that, Order XXXIX Rule 1 and 2 of the CPC cited by the respondent does not apply in the instant appeal. This is because, this appeal has risen from Order XL and Order VII Rule 10 of the CPC in which the matter has not been conclusively determined. Therefore, appeals arising from decrees are quite different from appeals arising from orders like the present appeal. He added that, he will be affected by the transfer of the suit to EWURA Tribunal as directed by the trial court. He should thus, be given the right to be heard since striking out

or dismissing this appeal will be against the rules of natural justice. He thus, prayed for this court to consider the appeal on merits or make any order as it may deem fit to grant.

I have considered the record, the arguments by both parties in relation to the court issues, their respective submissions regarding the grounds of appeal and the law. In determining this appeal therefore, I will firstly consider the court issues before I go for the merits of the grounds of appeal. This is because, the court issues tend to inquire into the legal competence of the trial before the trial court and of the appeal before this court. In case need will arise upon determining the court issues, I will also consider the merits of the grounds of appeal.

As to the first court issue, I hasten to agree with the learned counsel for the respondent that, in our laws, one cannot join in an appeal, a stranger who was not a party to the original proceedings or trial. Thought the CPC which governs the proceedings under discussion does not expressly prohibit this course, other laws do so as per the following explanations: in the first place, the rationale for the proscription are that, it is a constitutional principle that, when the rights and duties of any person are being determined by the court or any other agency, that person shall be entitled to a fair hearing or fair trial at both the trial and appellate stage; see article 13(6)(a) of the Constitution. This principle embodies in it among other things, the principles of Natural Justice. Such principles include one's right to be heard.

Now, it is not disputed that the second appellant in the present appeal was not a party in the original suit. He was thus, obviously not heard in the trial as far as the impugned ruling was concerned. He did not also file any WSD to martial her defence against the original suit. It follows thus, that, permitting the appellant in the present appeal to join her as the second respondent will amount to setting a bad precedent. This is because, no fair trial will be afforded to her. Again, this court will be breaching the principles of Natural Justice because, a party's full right to be heard on an appeal begins at the trial stage. In fact, according to the arrangement under the CPC which governs this matter, no appeal can exist without a trial. The right to be heard therefore, also follows that pattern too. This is also what is underscored by article 13(6)(a) of the Constitution just discussed above. It is therefore my conviction that, in law, an appellate court cannot purport to give to a respondent before it a fair trial and the right to be heard at the appellate stage, if such respondent was not party to the trial.

It is for the significance of the above highlighted principles of law that, it was held by the CAT in the case of **Kabula d/o Luhende v. Republic, Criminal Appeal No. 281 of 2014, CAT, at Tabora** (unreported) that, the right to fair trial is one of the cornerstones of any just society and an important aspect of the right which enables effective functioning of the administration of justice. The right to fair trial cannot thus, be easily violated by any court or institution charged with judicial duties like the court I am currently presiding over. Furthermore, in the case of **Mbeya- Rukwa Auto Parts & Transport Limited v Jestina George**

Mwakyoma, Civil Appeal No. 45 of 2020, CAT at Mbeya (unreported) the CAT emphasized that, in this country Natural Justice is not merely a principle of common law; it has become a fundamental constitutional right. Article 13 (6) (a) of the Constitution includes the right to be heard amongst the attributes of equality before the law. The CAT also underlined this stance in the case of **Abbas Sherally and another v. Abdul S.H.M Fazalboy, Civil Application No. 33 of 2002** (unreported).

It was also the guidance by the CAT in the **Abbas case** (supra) that, the right to be heard is so basic that a decision which is arrived at in violation of it will be nullified, even if the same decisions would have been reached had the party been heard. This is because, the violation is considered to be a breach of Natural Justice.

This court has also discouraged in various instances appeals against persons who were not parties to original proceedings or trials. In the case of **Daudi Mongi v. Angelina Sangiwa and another, Land Appeal No.156 of 2019, High Court of Tanzania (HCT), Land Division, at Dar es Salam** (Unreported) for instance, this court (Opiyo, J.) held that, it is a common understanding that, an appeal should be against the same parties who were heard in the trial. It cannot be preferred against a stranger to the trial proceedings who was not at all heard or a non-party to the proceedings. Moreover, in the case of **Mudhihiri Hemed Mewile v. Furaha Chande Kigwalilo, PC Civil Appel No. 15 OF 2020, HCT at Mtwara** (Unreported), at page 6 (of the typed version of its ruling), this

court (Ndyansobera, J.) observed, and I quote the pertinent passage for a readymade reference:

> "Generally, parties to the suit enjoyed the right to appeal and to be appealed against. Unless for special application for revision, a person cannot be added in proceedings at an appeal stage. This was emphasized in the case of **Attorney General v. Tanzania Ports Authority and Mr. Alex Msama Mwita, Civil Application No. 87 of 2016 CAT at Dar 6 es Salaam** (unreported) at typed page 7..."

Admittedly, the **Daudi Mongi Case** (supra) considered a land appeal that had originated in a ward tribunal. Matters of this nature are governed by the Land Disputes Courts Act, Cap. 216, R.E 2019 and the rules made thereunder. On the other hand, the **Mudhihiri Hemed Case** (supra) considered a probate appeal which had originated in a primary court. Such proceedings are governed by the provisions of the Magistrates Court Act, Cap. 11 R.E 2019 and the rules made under it. The above two precedents thus, considered provisions of law which are different from the CPC which governs the appeal at hand. Nonetheless, in my settled opinion, the principle underscored by these two precedents apply *mutatis mutandis* to the present appeal. This is because, the fundamental rights to fair trial and to be heard enshrined under article 13(6)(a) of the Constitution discussed above, apply to all judicial proceedings governed under all Acts whether under Cap. 216, Cap. 11 or the CPC.

Owing to the above reasons, I find that, the arguments by the appellant (narrated above) in relation to the first court issue, could not justify him to join the second respondent at the appellate stage. This is so because, such course is against the constitutional and legal requirements.

I accordingly answer the first legal issue negatively that, the appeal at hand was improperly filed before this court.

In relation to the second court issue, I also rush to agree with the counsel for the respondents' advocate that, according to section 15(2) of the Companies Act, once a company is registered, it becomes a body cooperate. In law, a body corporate can sue or be sued by its own registered name. It is however, surprising that, in the case at hand, though the appellant recognised under paragraph 3 of his plaint that, what he called "Tanzania Electric Supply Company" was a limited company, he opted to sue her Iringa Regional Manager by the name of "Tanzania Electric Supply Co. Ltd Iringa Regional Manager." It is not known as to why he did not sue the company itself by its registered name.

The course opted for by the appellant just discussed above was legally erroneous. This court (Mwambegele, J. as he then was) for example, gave a useful holding in the case of **Novoneca Construction Company Ltd and another v. National Bank of Commerce Limited and another, Commercial Case No. 8 of 2015, HCT (Commercial Division), at Dar es Salaam** (unreported) following the case of **South Freight & Co Ltd v. The Branch Manager, CRDB Tanga, Civil Case No. 5 of 2002, HCT, at Tanga** (unreported). The court held that, suing a branch of a body corporate or a registered company is improper and is equated to suing a wrong party. This is because, such a branch has no legal entity. The same way, in the matter at hand, it was improper for the appellant to sue the Iringa Regional Manager of the said "Tanzania Electric

Supply Company." Such defendant did not have any legal capacity to be sued and the plaint did not state if he had such capacity.

Moreover, owing to the guidance under Order I rules 1 and 3 of the CPC, it is clear that in law only persons can sue or be sued. In law there are only two kinds of persons, to wit; natural persons and legal/artificial persons. These only two kinds of persons are the ones who can sue or be sued. This was also the emphasis of this court in **The Registered Trustees of the Catholic Diocese of Arusha vs. The Board of Trustees of Simanjiro Pastoral Education Trust, Civil Case No. 3 of 1998, HCT at Arusha** (unreported). I also underscored this stance of the law in the cases of **Unilife Group Investment vs. Biafra Secondary School, Civil Appeal No. 144 (B) of 2008, HCT, at Dar es Salaam** (unreported) and **The Executive Director, Southern Africa Extension Unit (SAEU) and another vs. Theresia Ludovick Ringia and two others, (DC) Civil Appeal No. 14 of 2016, HCT, at Tabora** (unreported).

It was further held in the **Registered Trustees case** (supra) that, a party to court proceedings who does not have natural or legal personality is a non-existent party in the eyes of the law. It was further held in that precedent that, a suit by a plaintiff or against a defendant, who lacks natural or legal personality cannot be maintained for incompetence, and must be struck out. In deciding the **Registered Trustees case** (supra) this court followed the case of **Registered Trustees of Arusha Hellenic Community and another vs. George Isakiris and 26 others, Civil Case No. 15 of 1995, HCT, at Arusha** (unreported).

The arguments advanced by the appellant in the matter at hand in relation to the second court issue therefore, could not change the above position of the law.

Due to the above reasons, I answer the second court issue negatively that, the original suit was also improperly filed before the trial court.

Concerning the third issue, it is not disputed by the parties that, there was inconsistencies of the names of the two respondents from the trial to this appellate state. The appellant's contention that the respondents are precluded from contesting the discrepancies of their names since they did not cross-appeal is also lame. It is so because, this issue was among the issues raised by the court. Besides, in law a serious point of law can be raised at any stage even at the appellate level. This is for the reasons shown earlier that, courts are enjoined to decide matters before them according to the Constitution and law.

The above consensus by the parties therefore, simplifies the task of this court and attracts an affirmative answer to the third court issue that, there were in fact, such discrepancies on the names of the respondents before the trial court and before this court on appeal.

The negative answers given to the first and second court issues, and the affirmative answer assigned to the third court issue call for the examination of the fourth issue. This is due to the interdependent nature and anatomy of the court issues and the adjudication plan I set earlier. Now, regarding the fourth issue, I am of the view that, since I have answered both the first and second court issues negatively, I am legally

enjoined to hold as follows and as rightly submitted by the respondents' counsel: In the first place, I find that, the consequences of answering the first court issue negatively (that the appeal at hand was improperly filed before this court) is to render the appeal incompetent and liable to be struck out. This is the proper legal remedy for an incompetent matter.

In relation to the legal effect of answering the second court issue negatively (that the original suit was improperly filed before the trial court) I am of the settled opinion that, the answer also renders the original suit incompetent and its proceedings becomes a nullity. The impugned ruling also cannot stand since it was based on null proceedings.

Regarding the effect of the positive answer to the third court issue, I am of the settled views that, the undisputed clear discrepancies of the respondents' names from the trial stage to this appellate stage have a serious legal effect. This is because, in law body corporates have to sue or be sued in their properly registered names as per the precedents cited earlier. This is how they can be properly identified in law. Improper citing of a registered name of a company is not thus, a technical issue as the appellant submitted. The CAT in the case of **Christina Mrimi v. Coca cola Kwanza Bottlers Ltd, Civil Appeal No. 112 of 2008, at Dar es salaam** (unreported), underscored the need for ascertaining the proper identity of parties in court proceedings, especially un-natural persons who have to be registered like incorporated bodies. The CAT essentially held that mal-citation regarding names of registered companies in court proceedings was fatal since companies, like human benign are identified

from other companies by their registered names. The CAT also held in that precedent that, the blunder is not a matter of procedural technicality. It further remarked that, the appellant in that case had an obligation to identify the correct name of the person to be impleaded and only then he could take the legal steps. The CAT then struck out the appeal before it for the blunder.

It follows therefore that, in the present matter, the blunder committed by the appellant in citing the names of the respondents randomly cannot be saved by the doctrine of overriding objective. This principle was recently underlined by the Written Laws (Miscellaneous Amendments Act) (No. 3) Act, No. 8 of 2018 (Act No. 8 of 2018). The principle essentially requires courts to deal with cases justly, speedily and to have regard to substantive justice; see section 6 of Act No. 8 of 2018 which amended the CPC. The principle was also emphasized by the CAT in the case of **Yakobo Magoiga Kichere v. Peninah Yusuph, Civil Appeal No. 55 of 2017, CAT at Mwanza** (unreported Judgment).

Nevertheless, I do not think that the principle of Overriding Objective came to suppress other important principles that were also intended to promote justice like the one under discussion which insists for a proper citation of a name for a body corporate. The holding by the CAT in the recent case of **Mondorosi Village Council and 2 others v. Tanzania Breweries Limited and 4 others, Civil Appeal No. 66 of 2017, CAT at Arusha** (unreported) also supports this particular view that, the

principle of overriding objective does not operate mechanically to save each and every blunder committed by parties to court proceedings.

The effect of the improper citation of the respondents' names is thus, to render the trial proceedings a nullity, the impugned ruling Improper and the appeal at hand incompetent.

In answer to the fourth issue, my views are that, the proper orders for this court to make under the circumstances of the case is to strike out the appeal at hand, to nullify the proceedings of the trial court and to set aside the impugned ruling. As to costs, each party is supposed to bear its own costs since the above issues were raised by the court *suo motu*.

The above findings in relation to the five court issues in my concerted opinion, are forceful enough to dispose of the entire matter at hand without testing the grounds of appeal. Otherwise I will be performing a superfluous academic exercise which is not the core function of the adjudication process.

Having observed as above I accordingly strike out the appeal at hand, declare the proceedings before the trial court a nullity, quash the said proceedings and set aside the impugned ruling. Each party shall bear its own costs. It is so ordered.

JHK UTAMWA

JUDGE

04/08/2022.

04/08/2022.
CORAM; JHK. Utamwa, J.
Appellant: present in person.
For Respondents; Absent.
BC; Gloria, M.

Court; Judgement delivered in the presence of the appellant in person, in court this 4th August, 2022.

JHK UTAMWA
JUDGE
04/08/2022.