

**IN THE HIGH COURT OF TANZANIA  
AT DAR ES SALAAM  
CIVIL APPLICATION NO. 274 OF 2021**

*(Originating from the High Court of (T) at Dar es Salaam in Civil Appeal No. 10/2020)*

**SEIF ABDALLAH NGAKONDA .....APPLICANT  
VERSUS  
FELIX MATHIAS MATEMU .....RESPONDENT**

**RULING**

**MRUMA,J.**

The Applicant Seif Abdallah Ngakonda filed an application seeking for leave from this court so that he can appeal to the Court of Appeal against the decision of this court in Civil appeal No.10 of 2020. The application is supported by affidavit sworn by the Applicant's counsel stating grounds upon which the leave is thought.

Upon being served the Respondent Felix his advocate Aretas Stephen Kyara. Together with the counter affidavit counsel for the Respondent filed a notice of preliminary objection contending that:

The application is incompetent for being filed without attachment of the judgment and denied complained of as per requirement of the Law.

On 2.9.2021 by consent it was agreed that the Application be disposed of by way of written submissions. A scheduled was made for the parties to file their respective submissions. The Respondent's counsel filed his submission in compliance with the scheduled order but the Applicant's counsel did not.

As correctly submitted by the counsel for the Respondent, Sub –rule (3) of Rule 49 of the Court of Appeal Rules requires every application for leave to appeal to 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 therefore it is incompetent. An incompetent application has no place in a court of law. Accordingly I struck it out.

  
A.R. Mruma

**Judge**

**25/2/2022**

**9/3/2022**

Coram : Hon.A. R. Mruma

For the Applicant : Absent

For the Respondent : Mr. Felix Mathias Matemu (present in person)

Cc : Delphine

Court: Ruling delivered.

A.R. Mruma

**Judge**

**9/3/2022**