

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**CIVIL APPEAL NO. 31 OF 2021**

**AMBWENE AARON MTWIMAH..... APPLICANT**

**VERSUS**

**FRANK BROWN SWEBE..... RESPONDENT**

**RULING**

*02/03/2022 & 02/03/2022*

**I.C. MUGETA, J**

After hearing the parties and sat to prepare the judgement I discovered that the trial court heard the case without framing issues. I summonsed counsel for the parties to address me over its implication and both of them conceded that failure to frame issues vitiates the proceedings. On that account, I declare the proceedings of the trial court a nullity, the judgment emanating therefrom is quashed and decree is set aside. The trial court record is remitted back for a trial de novo before another magistrate of competent jurisdiction.



*Mugeta*  
I.C. MUGETA

JUDGE

2/3/2022

**Court:** - Delivered in chamber in the presence of Emmanuel Kessy for the appellant and Lugiko John for the respondent.

**Sgd: I.C. MUGETA**

JUDGE

2/3/2022