

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

AT MWANZA

MISC. CIVIL APPLICATION NO. 5710 OF 2024

*(Arising from judgment of the High Court (Hon.M.Mnyukwa J) in High court PC. Civil Appeal No.85 of 2022; Originating from Civil Appeal No.17 of 2022 Nyamagana District Court and Civil Case No 188 of 2021 at Mkuyuni Primary court)*

BETWEEN

DUBAI ISACK MBWILO ..... APPLICANT

VERSUS

REVOCATUS MAGEZI ..... RESPONDENT

RULING

22<sup>th</sup> & 22<sup>th</sup> May, 2024

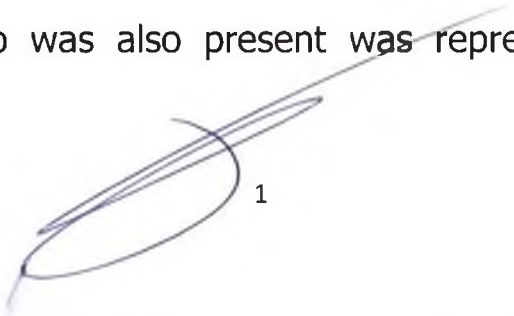
**A. MATUMA, J.**

The applicant is seeking certification on point of law so that to appeal to the court of appeal against the judgment of this court PC. Civil Appeal no. 85 of 2022 which originated from the Primary Court of Mkuyuni.

The pleaded point of law upon which certification is sought is that;

***The High Court failed to decide on the misapprehension of the evidence done by the two lower courts on exhibits D1, D2 and D3.***

At the hearing of this application the Applicant appeared in person while the respondent who was also present was represented by advocate Agnetha.



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The applicant adopted his affidavit in support of this application and had no more.

On her party the learned advocate for the respondent expressed that the respondent does not oppose this application and that is why they did not serve him with the Counter affidavit.

Under the circumstances, I have no any good reason to deny this application and do hereby certify that there is a point of law to be determined by the Court of Appeal of Tanzania on whether the High Court failed to determine misapprehension of the evidence relating to exhibits D1, D2 and D3 by the two lower courts.

No orders as to costs

It is so ordered.



**A. Matuma**  
**Judge**

**22/05/2024**

**Court;**

Ruling delivered in the presence of the applicant in person and in the presence of the respondent and his advocate M/S Agnetha Anicent.



**A. Matuma**  
**Judge**

**22/05/2024**