

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE SUB-REGISTRY OF MANYARA

AT BABATI

JUVENILE CIVIL APPEAL NO. 4 OF 2024

(Arising from the Civil Application No. 01 of 2024 in the Juvenile Court of Manyara at Babati)

BASHIRI SWALEHE MLUNGU.....APPELLANT

VERSUS

RHODA PAULO SAKILO.....RESPONDENT

JUDGMENT

18th April and 6th June 2024

MIRINDO, J.:

Bashiri Swalehe Mlungu and Rhoda Paulo Sakilo are parents of a child who is about eight years old. Rhoda Paulo Sakilo, the child's mother applied before Manyara Juvenile Court for the maintenance of the child who is in her custody. She applied for the maintenance from the child's father, Bashiri Swalehe Mlungu. She sought the maintenance cost of 300,000/= TZS per month excluding child's health, clothing, school fees and other expenses. At the hearing of the application, the child's father stated that the only amount he could afford was 20,000/= TZS per month. After considering parties' arguments, their affidavit and the social inquiry report from the Babati Town Council Social Officer recommending maintenance cost of 60,000/=, the Juvenile Court ordered the child's father to pay a monthly maintenance of 60,000=/ TZS and the annual health insurance.

Bashiri Swalehe Mlungu, the child's father appealed against the award to this Court. At the hearing of the appeal, he stated that he could not afford to pay the maintenance cost and the annual health insurance. The respondent argued that the amount is too little to support the child.

Having heard both parties, it is clear that there is no case of wrongful exercise of discretion by the Juvenile Court. I have come to the conclusion that the monthly amount awarded which translates to 2,000/= TZS per day cannot be interfered with. Given that the health insurance is to be paid for annually, I am also of the opinion that this too cannot be interfered with. For both reasons, I dismiss the appeal. Each party to bear its own costs.


DATED at BABATI this 5th day of May, 2024.




F.M. MIRINDO
JUDGE

Court: Judgment delivered this 6th day of June, 2024 in the presence of the respondent and in the absence of the appellant.

Right of appeal explained


F.M. MIRINDO
JUDGE

6/6/2024