IN THE COURT OF APPEAL OF TANZANIA
AT DAR ES SALAAM

(CORAM: MWAMBEGELE, J.A., LEVIRA, J.A., And MAIGE, J.A.)

CIVIL APPLICATION NO. 332/01 OF 2021

JACQUELINE NTUYABALIWE MENGI ..... 1ST APPLICANT
JACQUELINE NTUYABALIWE MENGI AS A NEXT
FRIEND OF JADEN KIHOZA MENGI (A MINOR) ..... 2ND APPLICANT
JACQUELINE NTUYABALIWE MENGI AS A NEXT
FRIEND OF RYAN SAASHISHA MENGI (A MINOR) ..... 3RD APPLICANT

VERSUS

ABDIEL REGINALD MENGI ..... 1ST RESPONDENT
BENJAMIN ABRAHAM MENGI..... 2ND RESPONDENT
BENSON BENJAMIN MENGI ..... 3RD RESPONDENT
WILLIAM ONESMO MUSHI ..... 4TH RESPONDENT
ZOEB HASSUJI ..... 5TH RESPONDENT
SYLVIA NOVATUS MUSHI ..... 6TH RESPONDENT

(Application for Revision of the decision of the High Court of Tanzania (Dar es Salaam Registry) at Dar es Salaam)

(Mlyambina, J.)

Dated the 18th day of May, 2021
in
Probate and Administration Cause No. 39 of 2019

.....

RULING OF THE COURT

30th September & 12th October, 2021

LEVIRA, J.A.:

This is an application for revision against the decision of the High Court (Mlyambina, J.) in Probate and Administration Cause No. 39 of 2019 which was instituted following the demise of Dr. Reginald Mengi (the deceased) on 2nd May, 2019. The first applicant is the widow of

the deceased and the 2nd and 3rd applicants are twin sons of the deceased. Parties to the Probate and Administration Cause referred to above were all the respondents before the High Court. Whereas, the 1st and 2nd respondents were caveators and the 3rd to 6th respondents were petitioners for the execution of the deceased's WILL who allegedly died testate at Dubai, United Arab Emirates. The petition was objected by the 1st and 2nd respondents who filed a joint caveat challenging it on ground that the petitioners had no interest in the deceased's estate as they were all strangers to the said estate. On their part, the caveators contended to have been duly appointed by the clan members of the deceased to administer the estate in question because, according to them, the WILL allegedly left by the deceased was invalid and hence it was as good as there was no WILL. In its decision, the High Court nullified the last WILL of the deceased for being *void ab initio,* the 1st and 2nd respondents were appointed co-administrators of the estate of the deceased and they were required to discharge their duties and file inventory within six months of the date of the order delivered on 18th May, 2021.

Among the grounds raised in the notice of motion to challenge the decision of the High Court is that the same was wrong in holding

that the deceased had no testamentary capacity to make a WILL but later proceeded to determine the substance of the "invalid WILL". In the second and third grounds, it is stated that the 1st applicant was called to testify as a court witness in respect of the WILL in question as a heir and a person who came across the WILL after the death of the deceased. The application is highly opposed by the respondents through their respective affidavits in reply filed in Court on different dates.

At the hearing of this application the applicants were represented by Mr. Audax Kahendaguza Vedasto assisted by Mr. Timon Vitalis, both learned advocates, whereas the 1st and 2nd respondents had the services of Ms. Nakazael Lukio Tenga, Mr. Roman S. L. Masumbuko, Mr. Hamis Mfinanga and Mr. Grayson Laizer, all learned advocates. The 3rd to 6th respondents were represented by Mr. Elisa Abel Msuya assisted by Ms. Regina Kiumba both learned advocates.

Before we could proceed with the hearing of the application on merit as the practice demands, we had first to dispose of the preliminary objections filed by the counsel for the 1st and 2nd respondents on 15th September, 2021 (the substantive notice of

preliminary objection) and an additional ground of objection filed on 28th September, 2021. The substantive notice of preliminary objection is predicated on the following grounds: -

1. *That this application for Revision is misconceived and bad at law for being an alternative to appeal or appeal in disguise.*
2. *That this application for Revision is not maintainable as the applicants' right of appeal was self-terminated by the applicants. The applicants are barred to exercise any right by the provision of section 5 (2) (b) of the Appellate Jurisdiction Act, Cap 141 R.E. 2019.*
3. *That the grounds for application for Revision are misconceived and cannot be entertained by this Court for being based on suppositions and beliefs.*
4. *That the prayers being sought by the applicants cannot be issued by this Court, they are under exclusively and mandatory jurisdiction of the Probate Court/High Court.*
5. *That the present application is premature as the applicants have an alternative remedy in the High Court.*

In the additional notice of additional preliminary objection, the 1st and 2nd Respondents raised one point which shall be referred as the sixth ground of preliminary objection, which goes thus: -

6. *That this application for Revision is incompetent and incurably defective for failing to adhere to mandatory provisions of Rule 49 (1) and 65 (3) of the Court of Appeal Rules 2009 (as amended). There are no essential and certified documents attached to the supporting affidavit and hence incompetent.*

We wish to state at the onset that in determining the above grounds of preliminary objection, we shall be guided by Rule 107 (2) of the Rules which provides that:

> *"A respondent shall not rely upon a preliminary objection unless such objection consists of a point of law which, if argued and sustained, may dispose of the appeal or application."*

Mr. Masumbuko addressed the Court in support of the grounds of preliminary objection. Submitting on the first ground, he contended that the application at hand is misconceived and bad at law because it was preferred as an alternative to appeal contrary to the intents and purposes of section 4 (3) of the Appellate Jurisdiction Act, Cap 141 R.E. 2019 (the AJA). He went further stating that the Court can only be moved under special circumstances to examine the correctness, legality and propriety of the finding of the High Court and regularity of its proceedings but this is not the case in the current application. His

argument was based on the assertion that in an application for revision like the present, a party cannot challenge evidential value of the Judgment except under exceptional circumstances which is not the case herein. In support of this argument, he cited the case of **George Nkwera v. Judicial Service Commission & Another,** Civil Application No. 130 of 2002 (unreported).

According to Mr. Masumbuko, the applicants herein have moved the Court to exercise its revisional jurisdiction as an alternative to appeal process as the advanced grounds, particularly grounds 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 21, 22, 23, 25, 26, 29, 30, 31 and 32 fit as grounds of appeal rather than revision. As such, he said, those grounds do not fall in all fours of exceptions warranting revision. To buttress his arguments, he cited the cases of **Moses Mwakibete v. The Editor Uhuru & Two Others** [1995] T.L.R. 134 and **Halais Pro-Chemie v. Wella A. G.** [1996] T.L.R. 269.

In recap, he urged us to find out whether a third party can address the Court on grounds that could be raised on appeal.

The arguments of Mr. Masumbuko in respect to this ground of objection were supported by Mr. Msuya who in addition argued that

section 4 (3) of the AJA requires the applicant to state that he invites the Court to examine the correctness, propriety and legality of proceedings but in the current application there is no such prayer; instead, the prayers sought are for the appeal. According to him, this is a pure appeal in disguise.

In reply to the first ground of preliminary objection, Mr. Vedasto opposed the arguments by counsel for the respondents stating that the applicants were not parties to Probate and Administration Cause No. 39 of 2019 subject of the current application and thus justified to bring revision application. He supported his argument by the decisions of the Court in **A. G. v. Oysterbay Villas Ltd and Kinondoni Municipal Counsel,** Civil Application No. 168/16 of 2017 and **Mgeni Seif v. Mohamed Yahaya**, Civil Application No. 104 of 2008 (both unreported). Finally, he urged us to overrule the first ground of preliminary objection as the respondents have failed to cite any authority to substantiate their arguments that the applicants ought to have moved the Court under exceptional circumstances. He distinguished the cases of **George Mkwera Mwakibete's** and **Halais Pro-chemie** cited by Mr. Masumbuko saying that, both of

them talk about special circumstances being shown or raised by a party; which is not the case herein as the applicants were not parties.

We have carefully considered the rival arguments by counsel for the parties in this preliminary point of objection. The main issue calling for our determination is whether the application has been preferred as an alternative to an appeal. It is common knowledge that an aggrieved party may appeal against a decision of the court. However, an interested party may apply for revision of the decision of the court. The jurisdiction of the Court is a creature of statute. Section 4(1) and (2) of AJA tells it all that the Court is vested with jurisdiction to hear and determine appeals from the High Court and subordinate courts with extended jurisdiction. In addition to the appellate jurisdiction, the Court is clothed with powers of revision to examine the record of any proceedings before the High Court.

Despite the Court being conferred with both the appellate and revisional jurisdiction against the decisions of the High Court, such powers do not co-exist. Whenever there is a right of appeal then, that right must be pursued first. That being the legal position, in order to invoke the Court's power of revision, there must be no right to appeal and in some peculiar circumstances, a party aggrieved has to

demonstrate sufficient and exceptional circumstances – see **Transport Equipment Ltd v. Devram P. Valambhia** [1995] TLR 161.

In the current application it is not in dispute that the applicants were not parties to Probate and Administration Cause No. 39 of 2019 which is subject of the revision at hand. Therefore, we are not prepared to go along with Mr. Masumbuko's argument that since the first applicant was called to testify as court's witness in the said Probate cause; she ought to have appealed against the decision of the High Court, more so because most of the grounds which have been raised by the applicants are based on evidence attracting an appeal than revision. Mr. Vedasto maintained the position which we associate ourselves with as the correct exposition of the law, that the applicants were not parties to that matter and thus the only way to challenge the decision of the High Court is by way of revision. It is common ground that a person does not become a party to a proceeding merely because he testified in the matter as with the 1st applicant in the present case. We take note of Mr. Masumbuko's arguments that the above advanced grounds of revision do not fall into exceptional

circumstances warranting revision and that they were raised by a third party.

We as well take note of his argument while making reference to **Halais Pro-chemies case** that in revision a party cannot challenge evidential value of a judgment except under special circumstances, which he said, the applicants has not established. With respect, we do not find any merit in Mr. Masumbuko's arguments and the authorities cited are thus irrelevant because the applicants were not parties in a Probate Cause subject of this revision application. Equally, we do not agree with Mr. Msuya that the application at hand is an appeal in disguise due to the prayers sought by the applicants. We wish to state that in this application the Court is moved under section 4 (3) of the AJA to exercise its revisional powers to revise the decision of the High Court. The said provision gives directions on what is supposed to be done and not at any point in time the Court is moved by the prayers of the parties. With this remark, we overrule the first ground of preliminary objection.

Regarding the second ground of preliminary objection, it was Mr. Masumbuko's argument that the applicant's right of appeal was self-terminated and therefore they have no right to come by way of

revision to challenge the decision of the High Court. Expounding on this point, he stated that the applicants exercised their right of appeal when they were declined the right of participating in the proceedings in the Probate Cause which they had sought vide Misc. Civil Application No. 134 of 2020. He added that the applicants had filed a notice of appeal against that decision but they withdrew it together with application for leave to appeal which they had earlier on filed in Misc. Civil Application No. 311 of 2020.

Therefore, in the circumstances, he said, the applicants cannot say that their right of appeal has been blocked by judicial process. He cited the case of **Kezia Violet Mato v. National Bank of Commerce & 3 Others,** Civil Application No. 127 of 2005 (unreported) to support his argument.

Mr. Msuya subscribed to Mr. Masumbuko's submission and added that since the applicants made an application to be joined in probate proceedings they became parties and thus, it is illegal for them to approach the Court on revision unless there are express special circumstances which is not the case herein. For that reason, he said, this application is incompetent.

In response, Mr. Vedasto contended that there is no law stating that if a person attempted to pursue a certain proceeding but failed is not allowed to apply for revision or that he becomes a party by mere attempt. He challenged Mr. Masumbuko by his failure to cite any authority to that effect. It was his firm assertion that every person has a right to apply and become a party to the proceedings. If the party so applies and fails, is not barred to come before the Court by way of revision. Besides, he said, the attempted appeal referred to by the counsel for the respondents which its notice was withdrawn was not against the decision subject of the current application. The decision intended to be challenged whose notice was withdrawn was an interlocutory decision that could not be appealed against.

Without taking much of our time in this ground of preliminary objection we think, we have exhaustively covered the issue as to whether the applicants were parties in Probate and Administration Cause No. 39 of 2019 while determining the first point of objection. We agree with Mr. Vedasto that fruitless attempts by the applicants to be joined in proceedings as parties could not make them parties to the Probate proceedings subject of the current application. In our considered opinion, whatever initiatives they took in both the

applications, none of them had opened the door for them to become parties in probate course before the High Court. Nonetheless, the application to be joined as parties to the proceedings was made separately and in our view, the fact that it was declined for whatever reasons, paved a way for them to come to the Court to seek for revision of the decision of the High Court which they think touches their interests. Therefore, we as well overrule the second ground of preliminary objection.

The argument by Mr. Masumbuko in the third ground of preliminary objection is based on the form and or presentation of grounds of revision preferred by the applicants. In essence, he attacked the 5th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 27th and 28th grounds saying they invite the Court to rule on suppositions and beliefs contrary to the established position that grounds for revision must be on issues of law and not suppositions. He thus prayed the Court to strike out those grounds for being improper. It was his argument that if those grounds are struck out, there will be no grounds for revision for the Court to deal with. On his part, Mr. Msuya concurred with Mr. Masumbuko's submission.

The attack on the grounds of revision by counsel for the respondents did not shake Mr. Vedasto as he was firm that even if the identified grounds are of suppositions and the Court upholds the preliminary objection, still there are other grounds which can rescue the application. He cited Rule 107 (2) of the Rules to cement his argument that this ground does not fit to be a ground of preliminary objection as it does not dispose of the application.

We agree with the line of argument by Mr. Vedasto and we find that this ground invites us to evaluate the language used in framing grounds of revision and thereafter categorise them basing on how they were framed and proceed to strike out the badly framed ones. With respect, we do not think that the counsel for the respondents are not aware of the outcome of such exercise and the position of the law under Rule 107 (2) of the Rules cited above. We do not find any merit in this ground of preliminary objection hence, the same is overruled.

Submitting on the fourth ground of preliminary objection, Mr. Masumbuko stated that the prayers being sought by the applicants cannot be issued by this Court as they are under exclusive mandatory jurisdiction of the High Court. In elaborating this point he said, the order sought to set aside appointment of the 1st and 2nd respondents

as administrators of the estate of the deceased and appointment of the applicants and the rest of the respondents to be administrators is not within the powers of this Court but the High Court in terms of section 49 (1) of the Probate and Administration of Estates Act, Cap. 352 R.E. 2019. He went on to state that in revision, the Court cannot analyse evidence and give orders sought as they are not tenable while relying on the decision of the Court in **Joseph Shumbusho v. Mary Grace Tigerwa & Others,** Civil Appeal No. 183 of 2016 (unreported).

Regarding the second and third applicants' prayers it was Mr. Masumbuko's argument that the Court is not vested with powers to remove from the decree the part which requires the appointed administrator to file final accounts of the estate within six months. Those powers, he said, are within the discretion of the Probate Court / High Court in terms of section 49 of the Probate and Administration of Estates Act. He supported his argument with the decision of the Court in **Gazelle Tracker Limited v. Tanzania Petroleum Development Corporation,** Civil Application No. 15 of 2006 (unreported).

Mr. Msuya supported Mr. Masumbuko's argument and cemented that the prayers sought in this application can only be granted by the High Court which has original jurisdiction to grant them. As such, he

said, the revisional jurisdiction of the Court is limited unless it is an appeal. In addition, it was his contention that the applicants ought to have exercised their right under section 49 (1) of the Probate and Administration of Estate Act to seek rectification of the decree before the High Court.

The arguments by the counsel for the respondents were vehemently opposed by Mr. Vedasto on account that section 4 (3) of the AJA does not specify grounds for revision to be presented before the Court. According to him, powers of the Court under that provision just as the case under section 44 (1) of the Magistrates' Courts Act Cap 11 R.E. 2019 (the MCA) which is *in pari materia* with section 4 (3) of the AJA are beyond jurisdictional limits. Insisting that the Court is empowered to deal with any matter in revision. He cited the case of **Zabron Pangamaleza v. Joachim Kiwaraka & Another** [1987] T.L.R. 140 and he therefore prayed for the Court to revise the orders of the High Court as it did in **Muhimbili National Hospital v. Constantine Victor John,** Civil Application No. 44 of 2013 (unreported).

In rejoinder Mr. Masumbuko stated that the counsel for the applicants have misconceived this points of preliminary objection

because the respondents are challenging the prayers sought herein while Mr. Vedasto is talking about grounds of application. Thus, according to him, section 44 (1) of the MCA which was cited by Mr. Vedasto is irrelevant to this matter as well as **Muhimbili National Hospital** case was relied upon out of context.

We have dispassionately considered the arguments by counsel for parties in this ground of preliminary objection. The contentious issue between the parties is whether the prayers sought by the applicants can be granted by the Court. The counsel for the respondents maintained a stance that those prayers are within the domain of discretionary powers of the Probate Court/High Court and thus not fit for revision. The contention by the counsel for the respondents was resisted by Mr. Vedasto to the extent that the Court's powers to deal with revision application are not limited. In our view the issue whether or not the applicants' prayers in the notice of motion are maintainable or not is a matter which cannot be answered without digging into the merits of the application. In terms of section 4 (3) of the AJA, the Court can be moved to examine the propriety, correctness and illegality of the proceedings and decision of the High Court and make appropriate orders or revise the decision. This means

that orders of the Court after examining the record do not necessarily depend or base on the prayers of the applicant. In the same vein, having thoroughly considered the applicants' fourth prayer, which for reasons not apparent to us was not discussed by the parties, we find it covering the unstated prayers which the Court may consider appropriate, it reads: -

> *"(d) make any other order as the Court may deem fit and proper to make."*

The above general prayer in our considered view suffices the purposes and intents of making revision as it gives the Court a wide range of making its decision. In the circumstances, we do not see that incorporation of the prayers discussed by the parties' counsel in the application invalidates the whole application and therefore we overrule the fourth ground of objection.

Regarding the fifth ground of preliminary objection, the counsel for the respondents argued that this application was brought prematurely because applicants have an alternative remedy in the High Court as discussed in the fourth ground above. They insisted, that the settled position is that the appellant or applicant before the Court must exhaust all remedies in the lower courts before resorting to

an appeal; but this is not the case in the current application. In rebuttal, Mr. Vedasto stood firm that the application is properly before the Court as in the circumstances of this case there were no available remedies to the applicants. It does not require extra efforts for one to reach to the premise as in the fourth ground, that is not worth a ground of preliminary objection. This is because it requires some facts and evidence whose determination, does not lead to nullification of the whole application or dispose of the application, see – **Mukisa Biscuits Manufacturing Company Co. Ltd v. West End Distributors Ltd** [1969] 1 EA 696. For that reason, we overrule the fifth ground of preliminary objection.

In the last ground of preliminary objection, the main claim is that the application is incompetent and incurably defective for failing to adhere to mandatory provisions of Rules 49 (1) and 65 (3) of the Rules. Mr. Masumbuko argued that the above Rules require an application for revision to be by way of notice of motion and supporting affidavit. However, he said there are documents referred in the supporting affidavit but they are not attached to form part of evidence contained in it.

Therefore, he said, the Court cannot rely on such documents to make its decision in this matter. He insisted that affidavits are sworn statements used to adduce evidence in Court. They must be made under oath and all documents must be attached to the affidavit. The counse referred us to the decision of the Court in **Phantom Modern Transport (1985) Limited v. D. T. Dobie (Tanzania) Limited,** Civil Reference No. 15 of 2001 and 3 of 2002 (unreported); nonetheless, he added, this is not the case in the current application, a fact which renders the application incurably defective. He submitted further that the applicants cannot choose not to attach essential documents as held in the case of **National Bank of Commerce v. Basic Element Limited & 5 Others,** Civil Appeal No. 154 of 2017 (unreported).

The submission by Mr. Masumbuko was subscribed to by Mr. Msuya. Finally, counsel for the respondents prayed for the application to be struck out. However, unlike Mr. Msuya, Mr. Masumbuko pressed for costs.

Replying on this ground of preliminary objection, Mr. Vedasto submitted that this ground is misconceived because the law does not provide how the documents should be brought in application like the

one at hand. He relied on paragraph 5 of the supporting affidavit to argue that the documents are attached in this application to form part of the record. He argued further that the applicants cannot be punished by bringing properly in Court documents intended to be used. After all, he said, there is no perfect record of proceedings as it was stated in the case of **Gasper Peter v. Mtwara Urban Water Supply Authority (MTUWASA),** Civil Appeal No. 35 of 2017 (unreported).

Finally, he prayed for the Court to apply overriding objective principle and dismiss all preliminary points of objection with no order as to costs since this is a family matter.

In rejoinder, Mr. Masumbuko stated that the counsel for the applicants admits that in the application of this nature the notice of motion must be accompanied by an affidavit. However, he said in paragraph 5 of the applicants' affidavit there are no documents attached contrary to Mr. Vedasto's assertions. With regard to the application of overriding objective principle, he contended that, the aim of it is not to discharge parties and their advocates from their duties. He thus prayed for the objections to be sustained with costs.

The question for our determination having heard the parties in this ground of objection is whether the Court can rely on paragraph 5 of the supporting affidavit to rule out that the applicants have attached relevant documents in this application.

It is common knowledge that an application for revision is made by notice of motion supported by an affidavit of the applicant or of a person with knowledge of the facts deponed. As rightly stated by Mr. Masumbuko, an affidavit is a sworn evidence and whatever document a party intends to form part of it, has to be stated in the affidavit and attached to it, contrary to that, a document will not form part of that evidence. We subscribe to the position stated in the persuasive foreign decision of the High Court of Namibia, Main Division, Windhoek in **Frankie Ngurimuje Khoe-Aub v. Aljo Investments CC,** Case No. (HC-MD-CIV-ACT-DEL-2018/04550), wherein Honourable Lady Justice Prinsloo stated: -

> *"....the annexures to an affidavit are not an integral part of it, and an applicant cannot justify its case by relying on facts which emerge from annexures to the founding affidavit but which have not been alleged in the*

affidavit and to which the attention of the respondent has not been specifically directed."

In the current application Mr. Vedasto relied on paragraph 5 of the supporting affidavit to argue that all records in this application are attached to that paragraph. To appreciate what it contains we find it appropriate to reproduce it hereunder: -

> *"5. That the 3rd, 4th, 5th and 6th Respondents opened Probate and Administration Cause No. 39 of 2019, whose copies of the opening documents, proceeding, judgment, decree and other documents and matters involve within and after the case appear in the Record of Revision accompanying this Affidavit and the Notice of Motion at each appropriate page stated in the index of the record and form part of the present application."* [Emphasis added].

We have patiently screened the wording of the above quoted paragraph, initially we almost agreed with the counsel for the respondents that no document is attached to the applicants' supporting affidavit. However, we must admit that the last line of that paragraph just as it troubled the respondents, we as well encountered a problem as it states that those documents will form part of *"application"* instead of affidavit. Looking at this phrase at a broader

perspective, we had to look at what is provided for under Rule 65 (3) of the Rules under which this application is made. It provides: -

> *"The notice of motion shall be supported by one or more affidavits of the applicant or some other person or persons having knowledge of the facts."*

Therefore, in terms of that provision, an application for revision is made by notice of motion supported by an affidavit. This means that those two things are inseparable and thus whatever information included in form of document or attachment forming part of the affidavit, aims at attaining the completeness of the application. Therefore, although we are not saying with certainty that it was proper for the applicants to say the documents are attached to form part of the application instead of an affidavit, we equally do not think that such a mere slip is fatal.

We as well entertain no doubt that the mode of attachment preferred by the applicants is uncommon but again, we think, the documents so attached cannot be ignored or reduced to nothing at all to the extent of not considering them.

For interest of justice to both sides, we think that this is a fit case for us to apply the overriding objective principle and consider those documents as part of supporting affidavit as we accordingly do. Having so stated, we overrule the sixth ground of preliminary objection.

All said and done, we overrule all the preliminary points of objection raised by the respondents with an order that each party bears its own costs.

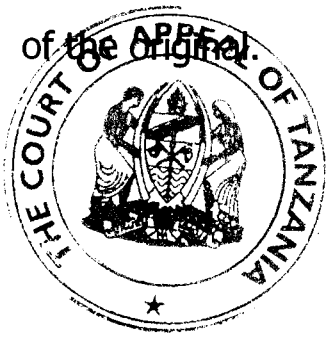
DATED at **DAR ES SALAAM** this 8th day of October, 2021.

J. C. M. MWAMBEGELE
JUSTICE OF APPEAL

M. C. LEVIRA
JUSTICE OF APPEAL

I. J. MAIGE
JUSTICE OF APPEAL

The ruling delivered this 12th day of October, 2021 in the presence of Mr. Timoth Vitalis, learned Counsel for the Applicants and Ms. Nakazaeli Lukio Tenga assisted by Hamisi Mfinanga, learned counsel for the 1st and 2nd Respondents and Mr. Ndeurio Ndesamburo learned counsel for the 3rd to 6th Respondents is hereby certified as a true copy of the original.



D. R. LYIMO
DEPUTY REGISTRAR
COURT OF APPEAL