



the appellant was entitled only to file a reference. This Court has made several decisions on this matter and I cite only two cases for clarification: Maximilian Rwabulala v. Emilian Kalugala [1987] T.L.R. 2 and Daudi Masumbuko v. Eliabu D. Mwisa & Another (HC) Misc. Civil Appeal No.2 of 2002 (Mbeya Registry)- Unreported.

From the above observations I hold that the appeal is incompetent and it is accordingly struck out with costs.

sgd: J.M. MACKANJA

JUDGE

14/11/2003

Date: 21/11/2003

Coram: S. Bongole, DR

For Appellant: Mr. Mbise for - present

For Respondent: Mr. Mwangole for - present

B/C: Mrs. S. Kasubiri

Delivered.

sgd: B. BONGOLE, DR

21/11/2003

Certified true copy of the original.

