

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF
TANZANIA
IN THE DISTRICT REGISTRY
AT MWANZA**

PC. PROBATE APPEAL NO. 07 OF 2006

*(Arising from Civil Revision No. 20 of 2006 of Bunda. Before R. B. Maganga,
Originating from Civil Case No. 03/2005. of Ikizu Primary Court)*

**GEDDY WARIOBA NDEGE APPELLANT
Versus**

IMELDA LUCAS RESPONDENT

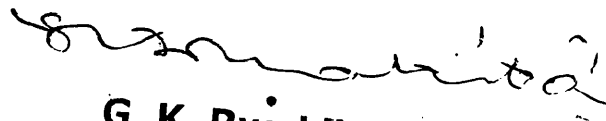
JUDGMENT

G. K. RWAKIBARILA, J

Records for this appeal show that since 21.11.2006 when it was instituted, appellant has never appeared in court. Only his counsel Mr. Butambala was appearing sometimes for this appellant who is Geddy Warioba Ndege. But today Mr. Butambala has decided to withdraw from this appeal.

This court could have dismissed this appeal with costs due to want of its prosecution. But it is opined by this court that respondent doesn't deserve a relief for costs because records show loudly how respondent was not also attending in court.

It follows that this appeal is dismissed for want of its prosecution and parties shall bear their own cost, if any.



G. K. Rwakibarila
JUDGE

At Mwanza
27.10.2009