

**IN THE COURT OF APPEAL OF TANZANIA
AT TABORA**

CIVIL APPLICATION NO. 7 of 2016

**THE REGISTERED TRUSTEES
OF JOY IN THE HARVESTAPPLICANT**

VERSUS

**HAMZA K. SUNGURA.....RESPONDENT
(Appeal from the judgment of the High Court of Tanzania at Tabora)**

(Masanche, J.)

dated the 6th February, 2002

in

DC Civil Appeal No. 41 of 1998

RULING OF THE COURT

MZIRAY, J.A.:

This application is fixed for hearing today. The Applicant is represented by Mr. Method Kabuguzi, learned advocate, and the respondent is present in person, unrepresented.

When the application was called on for hearing, Mr. Kabuguzi, learned advocate informed the Court that he has realized that the application was filed out of time. In view of that he prayed the Court to invoke the provisions of Rule 4(2) (a) of the Court of Appeals Rules, 2009 and strike out the application with no order as to costs.

In response, the respondent did not object for the striking out of the application but he prayed for costs taking into consideration that he travelled all the way from Kigoma and spent some days here in Tabora.

On our part we have also noted after reading the Record of Appeal that the application was filed out of time. In the circumstances, we strike out this application with the usual consequences as to costs awarded to the respondent.

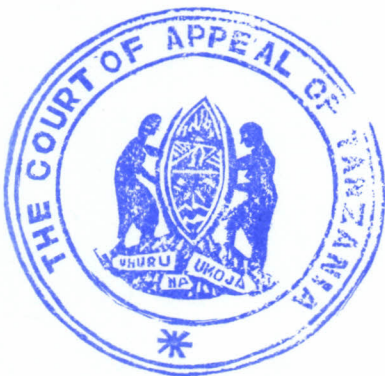
DATED at **TABORA** this 20th day of October, 2016.


M.S. MBAROUK
JUSTICE OF APPEAL

B.M. LUANDA
JUSTICE OF APPEAL

R.E.S. MZIRAY
JUSTICE OF APPEAL

I certify that this is a true copy of the original.




E.F. FUSSI
DEPUTY REGISTRAR
COURT OF APPEAL