

IN THE HIGH COURT OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

HC. CIVIL REVISION NO. 07 OF 2021

(Arising from decision in Matrimonial Appeal No. 9 of 2020 in the District court of Magu at Magu dated 4th March 2010, by E.P Kente RM. Original Matrimonial Cause No. 10 of 2020 in Kisesa primary court)

EMMANUEL MASANGWAAPPLICANT

VERSUS

SARAH MATHIAS

CLEOFAS MWOMBEKI

.....RESPONDENTS

RULING

3rd & 30th June, 2021

RUMANYIKA, J.:

With respect to judgment and decree dated 4/3/2021 of Magu district court (the 1st appeal court), for avoidance of doubts whereby the latter entirely upheld Magu urban primary court's decree of divorce and order of division of matrimonial assets, now additionally, but by fifty-fifty shares a house at Nyakato (the disputed house), Emmanuel Masangwa (the applicant) formerly not a party to proceedings he is not happy hence the instant application.

existence and status. Therefore like the learned resident magistrate argued and held, without spousal consent the 2nd respondent may have had, by way of sale in favor of the applicant disposed of the disputed house yes, but for the issues like whether or not the vendor had a title to pass and therefore the applicant's ownership etc the evidence needed to be orally adduced by the parties and tested in a competent court and forum. It could be by way of objection proceedings or a civil case proper as the case may be other than in disguise by way of revision proceedings.

The out of place application is respectfully dismissed with costs. It is so ordered.

Right of appeal explained.


S. M. RUMANYIKA
JUDGE
04/06/2021

The ruling is delivered under my hand and seal of the court in chambers this 30/6/2021 in the absence of the parties




S. M. RUMANYIKA
JUDGE
30/06/2021