

IN THE HIGH COURT OF TANZANIA

AT TANGA

PC CIVIL APPEAL NO.12 OF 2011

*[Originating from Tanga Primary Court, Civil Case No.57/2011,  
District Court, Civil Appeal No.7/2011]*

LEILA GIDEON.....APPELLANT

VERSUS

ELIEZER KATESIGWA.....RESPONDENT

14/12/2011

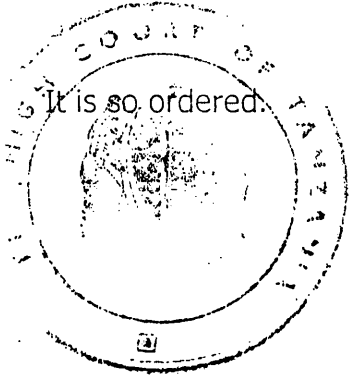
CORAM – R.A. TEEMBA, J.

PARTIES – Absent

**RULING**

**Court:** This is a Ruling under section 28(3) of the Magistrates' Court Act Cap.11. R.E. 2002. Leila Gideon has brought her memorandum of appeal to challenge the decision of the District Court of Tanga which made an order to strike out her appeal before that court. It was stricken out on the ground that her appeal was time – barred and she ought to have applied for extension of time to lodge the said appeal. She is now trying to challenge the same order/Ruling the subject in the intended appeal. I have also studied the grounds of appeal which appear to be explanations and not really grounds of appeal. It is the opinion of this court that even if the appeal is to be admitted, the position of law stated in the Ruling of the District Court will not be changed.

It is my settled view, that the appeal lodged is without substance. It is hereby summarily rejected under the provisions of section 28(3) of the Magistrates' Court Act, Cap. 11 [R.E. 2002].



*R.A. Teemba*  
R.A. TEEMBA, J.  
14/12/2011