



**IN THE HIGH COURT TANZANIA
AT BUKOBA**

(Bukoba Registry)

(PC) CIVIL APPEAL NO. 16 OF 2001

(Originating from District Court of Muleba Civil Appeal No. 94 of 1998 and original civil case No. 98/96 of Nshamba Primary Court)(Before: W. Mashauri Esq., DM)

VALENTINA ELIAS =====	=====	APPELLANT
	VRS	
MARCO BALIMUJULA =====	=====	RESPONDENT

JUDGMENT

LUANDA, J.

VALENTINA ELIAS (hereinafter referred to as the appellant) has filed her PC civil appeal late and without leave of this court.

The record of the appellate district court shows that the decision of Muleba District court was delivered on 12/5/1999. The appellant, aggrieved by that decision, filed her appeal on 5/8/1999 vide ERV 06663191 i.e. the 85th day.

Section 25 (1) (b) of the Magistrates' Courts Act, 1984 demand that such an appeal should be filed within 30 days after the date of the decision. However, if one is late in instituting his appeal and still intends to do so, he is required to seek leave of this court, of course on showing good reasons, as to why he was late to file in time.

In our case the appellant is late by 55 days. She did not seek leave to file her appeal out of time. The appeal is hopelessly time barred.

The same is dismissed with costs.



B. M. Luanda
JUDGE
2/8/2004

Judgment delivered
Appellant – Present
Respondent – Present.



B. M. LUANDA
JUDGE

AT BUKOBA
2/8/2004