

**IN THE HIGH COURT OF TANZANIA
(MWANZA REGISTRY)
AT MWANZA**

HC.CIVIL CASE NO.15 OF 2014

EDMUNDI SYLVESTER NGENI.....PLAINTIFF

VERSUS

MJANJA NAGAGWA.....DEFENDANT

Last order: 14/06/2017

Judgment: 04/08/2017

JUDGMENT

MAKARAMBA, J.:

This Judgment is on a claim the Plaintiff, **EDMUNDI SYLVESTER NGENI**, brought a suit in this Court on the **15th day of May, 2014** against, **MJANJA NAGAGWA**, the Defendant herein, for payment of a total sum of Tanzanian Shillings *Three Billions Forty One Hundred Millions Six Hundred Forty Thousands* (**Tshs. 3,041,640,000/=**) being special and general damages for maliciously arresting, prosecuting and imprisonment of the Plaintiff by the Defendant without probable cause.

The background to this suit briefly as it could be gathered from the pleadings is that, sometimes in **December, 2007**, the Defendant, **MJANJA NAGAGWA**, lodged a complaint at the Sengerema Police Station accusing the Plaintiff, **EDMUNDI SYLVESTER NGENI**, of stealing a total of 120 fishnets worth Tshs.2,500,000/= alleged to be the Defendant's property at the Maisome Island in Lake Victoria, Sengerema, District in

Mwanza Region. Following that complaint, the home of the Plaintiff was searched and a total of 228 fishnets worth Tshs.17,100,000/=, two fuel lines each worth Tshs.120,000/=, 60 litres of petrol worth Tshs.120,000/= and oil tanks each worth Tshs.90,000/= got lost. The Plaintiff was arrested and on **19/05/2007** the Plaintiff jointly with two (2) others, John s/ Salango and Charles s/o Kamata were arraigned before the Sengerema District Court in **Criminal Case No.233 of 2007** on charges of stealing c/s 265 of the Penal Code, Cap. 16 R.E.2002 and pleaded not guilty to the charge. The trial Court after hearing evidence from both sides found them guilty, convicted and sentenced them to serve **six months** in prison at the Kasungamile Prison in Sengerema District. They were dissatisfied by the decision and appealed both the conviction and sentence to the High Court in Mwanza in **H.C. Criminal Appeal No. 80 of 2011**, and on the **11th of November, 2013**, the High Court (Hon. Bukuku, J.) having considered the appeal quashed the conviction and set aside the sentence and set the Appellants at liberty. The Judgment of the High Court in that appeal has never been reversed. However, at the time the decision of the High Court on appeal was delivered, the Plaintiff had already served the full term of his sentence.

The Plaintiff claims that the confiscation of the 228 fishnets has caused a loss of a total of **Tshs.3,024, 540,000/=** in profit as he used to get 400 Kgs of fish per day and each kilogram of fish catch was worth Tshs.3,000/=, an amount the Plaintiff claims that he would have realized from the date of his arrest on **19/05/2007**, to the date of the Judgment of the High Court on his appeal on the **11th of November, 2013**. It is the

further contention of the Plaintiff that the Defendant was malicious and was unnecessarily instrumental in prosecuting the case, which in fact had no evidence. Consequently, the Plaintiff further claims, he has suffered physical and mental pains, and had been lowered in his reputation in the estimation of his friends and has been prevented from attending to his business and works for such period of time and as a result his family has been subjected to insurmountable difficulties. The Plaintiff maintains further that the act of the Defendant of acting maliciously and without any reasonable or probable cause has rendered the Plaintiff to suffer in prison for six months and his business has been paralyzed leading to immense loss and bankrupting his life and his business.

The Plaintiff has therefore brought the instant suit the subject of this Judgment praying for Judgment and Decree for the following reliefs, namely:-

- 1. Payment of a sum of Tshs.3,041,640,000/= by the Defendant to the Plaintiff being special damages for loss of property and business;*
- 2. Payment of general damages for malicious prosecution and false imprisonment to be assessed by Court.*
- 3. Commercial interests rate at 33% on item (i) hereinabove per months from date of default to date of judgment.*
- 4. Interest on item (1) hereinabove at the rate of 25% per annum from the date of Judgment to date of full payment and thereafter court interest rate of 12% per annum till payment in full.*

5. *Costs of this action.*

6. *Any other relief(s) as the Court may deem fit and just in the circumstances.*

In prosecuting the case, **Mr. Njelwa**, learned Counsel represented the Plaintiff and Mr. **John Mhozya** and **Novatus Muhangwa**, learned Counsels advocated for Respondent.

On the first day of the hearing of the suit, the following issues were framed by the learned Counsels for the parties and accordingly recorded by this Court for the determination of this suit, namely;

1. *Whether the Defendant instituted the prosecution maliciously against the Plaintiff.*
2. *Whether there was any probable or justifiable cause of the said prosecution.*
3. *Whether the Plaintiff suffered any damages.*
4. *What reliefs are the parties entitled to.*

Essentially the three issues as framed and recorded for the determination of this suit in my considered view touch on and concern the ingredients which a claimant in case of malicious prosecution has to establish to entitle him to a relief.

Before I traverse the substance of the evidence in this suit however, let me albeit very briefly comment on the accrual of cause of action in this case. In terms of section 3 of the *Law of Limitation Act*, Cap.89 R.E. 2002,

"the right of action in respect of any proceeding, shall accrue on the date on which the cause of action arises." And as per section 6(d) of the *Law of Limitation Act*, Cap. 89 R.E. 2002, in the case of a suit for malicious prosecution, *"the right of action shall be deemed to have accrued on the date on which the plaintiff was acquitted or the prosecution was otherwise terminated."* In the present case, the Plaintiff who was the accused in **Criminal Case No.233 of 2007** was acquitted on appeal in **H.C. Criminal Appeal No. 80 of 2011** on the **11th of November, 2013**, and therefore the Plaintiff by bringing the suit in this Court on the **15th day of May, 2014** against the Defendant for malicious prosecution, which is in a *"suit founded on tort"*, the Plaintiff was well within the limitation period of three years for such suits as clearly provided for under Item 6 of Part I of the Schedule to the *Law of Limitation Act*, Cap.89 R.E. 2002.

Let me now proceed to determine the first issue in this suit, which is *whether the Defendant instituted the prosecution maliciously against the Plaintiff.*

In the course of the trial, the Plaintiff (PW1) stated that, it was the Defendant who maliciously directed the police officers to the fishing Camp of the Plaintiff and arrested the Plaintiff. PW1 stated further that on the **31st of December, 2007**, the Defendant accompanied with Police Officers using a boat labeled **"SOWETO"** owned by the Defendant, went to the fishing Camp of the Plaintiff, arrested the Plaintiff and then took him to the Sengerema Police Station where the Plaintiff was charged with theft of fishing nets. PW1 stated further that the Plaintiff was then arraigned before the District Court of Sengerema on a charge of stealing the fishing nets of

the Defendant, was convicted and sentenced to six (6) months in jail. The evidence of PW1 was supported by that of PW2 on the fact of being arrested, charged, convicted and sentenced. However, the most critical element to be established the prosecution of the Plaintiff was done maliciously. In other words the issue is *whether on the 31st of December, 2007, the Defendant maliciously directed, led and accompanied the Police Officers to the Plaintiff's camp where the Plaintiff was arrested and the alleged stolen fishnets were seized.*

During cross-examination, the Plaintiff (PW1) stated that, on the **31st of December, 2007**, the date it is alleged that the stolen fishnets were seized, the Plaintiff was neither at his camp nor was he arrested at his camp. According to the testimony of PW1, on the **31st of December, 2007**, the Plaintiff was at **Nkome Village**. This particular piece of evidence was supported by the testimony of PW2 who stated that, on the **31st of December, 2007** when the Police Officers arrived at the fishing camp of the Plaintiff, the Plaintiff was not there as he was on *safari*. On the evidence by the Plaintiff, this Court finds that, the Plaintiff has contradicted himself on the issue whether on the **31st of December, 2007**, when it is alleged that Police Officers arrived at the camp of the Plaintiff, the Plaintiff was present there. Since in his cross-examination, the Plaintiff refuted to have been present at his fishing camp, undoubtedly, the Plaintiff could not have been in a position to know what transpired at his fishing camp on the **31st of December. 2007**. The Plaintiff never even witnessed the Defendant leading or directing the Police Officers to enter the premises of the Plaintiff and seize the fishnets of the Plaintiff. It is also not true that the

Plaintiff was arrested on the **31st of December, 2007** at his camp. All what has been stated by the Plaintiff on how the Police Officers arrived at his camp and seized his fishnets was nothing but pure hearsay, which as a matter of principle, unless it falls within the exceptions, cannot be entertained by a court of law.

It was the testimony of PW2 that, on the **31st of December, 2007** the Plaintiff recognized **Mr. Mjanja Nagagwa**, the Defendant herein, leading the Police Officers to the camp of the Plaintiff where the alleged stolen fishnets were seized. However, a **Police Officer** with **No. E9434 Corporal Rajab** who testified at the trial as **DW2** and **Mr. Samwel James** who testified at the trial as **DW4**, both stated that they were among the persons who accompanied the Police Officers to the Plaintiff's Camp, and that they went to the Plaintiff's camp on the **1st day of December, 2007** and not on the **31st day of December, 2007**. In his testimony DW2 stated further that, they were accompanied by **Mr. Kambona, Mr. Samwel** and **Mr. Mnaku** only. According to DW2, **Mr. Mjanja Nagagwa** (the Defendant) did not accompany them. However, in the Judgment by the Sengerema District Court in **Criminal Case No. 233 of 2007**, the Defendant himself stated that, on the **1st of December, 2007** he found his stolen fishnet at the Plaintiff's premises while accompanied by Police Officers. There is no iota of evidence on record to support the claim by the Plaintiff that, on the **31st of December, 2007**, Police Officers accompanied by a group of people including the Defendant searched and seized fishnets at the Plaintiff's camp. There is also no iota of evidence to support the Plaintiff's allegation that, on the **31st day of**

December, 2007, the Defendant directed and led Police Officers to arrest and seize the Plaintiff together with his fishnets. The Plaintiff seems to lay allegations with regard to events which occurred on the **31st day of December, 2007**, which events were not at issue in **Criminal Case No. 233 of 2007** before the Sengerema District Court from which the present civil case originates. In the Judgment of the Sengerema District Court in **Criminal Case No. 233 of 2007** it was alleged that, the search and seizure by the Police Officers happened on the **1st day of December, 2007**.

It is for the above reasons, this Court finds that, the Plaintiff has failed to prove his allegation that, the Defendant directed and led Police Officers to arrest the Plaintiff on the **31st day of December, 2007**, a fact which according to him constitutes malice.

Furthermore, neither the Plaintiff nor the Defendant established if there was any hatred between them prior to the alleged arrest and/or seizure. Worst still, the Defendant (**DW1**) stated in his testimony at the trial, that he (**DW1**) did not know the Plaintiff before the incident; but only came to see the Plaintiff in Court at the Sengerema District Court. In his evidence, the Plaintiff has not stated if he knew the Defendant before and/or they knew each other before the date of the alleged incident. In the absence of any evidence of familiarity or hatred between the Plaintiff and the Defendant prior to the incident at issue, this Court finds it difficult to read any sort of malice between the Plaintiff and the Defendant. It was also the evidence of DW2 and DW4 during the trial that, the search team even found and identified some stolen fishnets from the **NJIWAPORI** and **AIR**

FRANCE Camps. In my considered view, if the Defendant had any malice towards the Plaintiff, the Defendant could not have directed the Police Officers to seize only the fishnets of the Plaintiff and not those of the other people alleged to have been stolen from the other camps, namely, **NJIWAPORI** and **AIR FRANCE** Camps. If the Defendant and the Police Officers could have only targeted the fishnets from the Plaintiff; then most probably malice could have been established.

It is for the foregoing reasons, the first issue whether the Defendant instituted the prosecution maliciously against the Plaintiff fails and it is hereby answered in the negative.

The second issue for determination by this Court is *whether there was no justifiable and probable cause in instituting the said prosecution.*

It was the evidence of Corporal Rajabu (DW2) that, on the **30th of November, 2007** at Kanyala in Sengerema in the leadership of the OCD, SSP and other Police Officers, three people namely; **Mr. Samwel**, the Supervisor of **Njiwapori Camp**; **Mr. Kambona**, the Supervisor of **Air France Camp** and **Mr. Mnaku**, the Supervisor of **Lakairo Camp**, told the Police Officers that their fishing nets had been stolen in their respective camps located in the Islands of Lake Victoria. DW2 stated further that, since the Police Officers had no any means of transport to the Islands to conduct the search and seizure of the alleged stolen fishnets, the three fishermen namely; **Mr. Samwel**, **Mr. Kambona** and **Mr. Mnaku**, offered to provide two boats to be used by the Police Officers to conduct the search and seizure of the alleged stolen fishnets from the Islands. It was the further testimony of DW2, that, on the **1st day of December, 2007**,

the Police Officers boarded the two boats they had been offered by the fishermen and started the exercise of searching and seizing the alleged stolen fishnets in the Islands. DW2 stated further that, at the Isinde Island they saw three paddled boats with fishnets inside them. That, upon arriving at the Isinde Island, **Mr. Kambona** and **Mr. Samwel** identified their fishnets. That, upon being asked as to who was the owner of the three boats, the persons whom they met there answered that, the boats belonged to **Edmund Ngeni** (the Plaintiff herein). DW2 stated further that, unfortunately, **Edmund Ngeni** was not there and thus, the Supervisor of the boats, one **Safari Bahebe Ngeni** was arrested and the three boats with the alleged stolen fishnets inside them were dragged with ropes to the Kabiga Camp for identification. DW2 stated further that, one of the citizens who had assembled at the Kabiga Camp identified fishnets buoys inscribed with the mark "**SOWETO**" which belongs to one **Mr. Mjanja Nagagwa** (the Defendant herein) and therefore offered to call **Mr. Mjanja Nagagwa** who rushed to the Kabiga Camp for the identification exercise. DW2 stated further that on the **2nd day of December, 2007**, **Mr. Mjanja Nagagwa** arrived at the Kabiga Camp and managed to identify his nine (9) fishnets, which Mr. Mjanja alleged that they had been stolen from his camp. DW2 stated further that based on this evidence, it was therefore justifiable for the prosecution to institute the said prosecution against the Plaintiff.

It is pertinent to note here that, the Plaintiff was charged at, convicted of and sentenced by the Sengerema District Court in **Criminal Case No. 233 of 2007** but was acquitted by the High Court on appeal in **Criminal**

Appeal No. 80 of 2011 on one main ground that, the chain of custody of the seized fishnets was not complete and the evidence was not watertight to found a conviction against the Plaintiff. Thus, the Plaintiff was acquitted on among other grounds, procedural technicalities. In his closing submissions, Mr. Njelwa learned Counsel for the Plaintiff cited to this Court the decision in the case of ***Hosia Lalata vs. Gibson Zumba [1980] TLR 154*** where at page 156 of that decision it was held that, the Appellant in that case had falsely informed the Police that the Respondent in that case had demanded a bribe from him, which is not the case before this Court. In the instant case, the alleged stolen fishnets were found at the Plaintiff's premises and seized by the Police Officers. Since the Defendant's stolen fishnets were found and seized in the Plaintiff's boats, it was more probable than not that the fishnets were stolen by the Plaintiff. In his closing submissions Mr. Njelwa also referred this Court to the book of ***"Winfield & Jolowiz on Tort" 13th Ed, Sweet & Maxwell (London) 1989 at pages 545-547*** where the three essential elements which need to be proved for a malicious prosecution case to succeeds are stated, namely that, *(i) there must be a prosecution (ii) favourable termination of the prosecution, and (iii) lack of reasonable and probable cause.* Furthermore, in his closing submissions Mr. Njelwa also referred this Court to the decision in the case of ***Nicodemus Nyambuya v. Hamisi Ramadhani [1995] TLR 118*** where it was held that;

"....according to the record of the Trial Court malice is not ingredient of the tort of malicious prosecution; it is enough if the Defendant had no reasonable and probable cause to prosecute the Plaintiff. The trial Court

correctly found as a fact that the Defendant had no reasonable and probable cause to prosecute the Plaintiff."

On the other hand, Mr. Mhozya, learned Counsel for the Defendant, in his closing submissions referred this Court to the decision in the case of ***Jeremiah Kamama vs. Bugomola Mayandi [1983] TLR 123***, in which it was stated that, the Plaintiff must prove simultaneously that, (a) *he was prosecuted* (b) *that the proceedings complained of ended in his favour* (c) *that the defendant instituted the proceedings maliciously* (d) *that there was no reasonable and probable cause for such prosecution; and* (e) *that damage was occasioned to the Plaintiff*. Mr. Mhozya also submitted further that, in the case of ***Mafumba Jilawaji v. Budu Mnyagolya [1992] T.L.R*** it was stated that;

"....it was self-evident that the Respondent was completely unconnected with the initial arrest, detention and the decision whether or not formally charge the Appellant before a court of law. The suit was frivolous and the appeal should be dismissed with costs."

In his closing submissions, Mr. Mhozya went further by referring this Court to the decision in the case of ***Bhoke Chacha v. Daniel Misenya [1983] T.L.R. 329*** where it held that;

"....the fact that the appellant was subsequently acquitted does not establish that the original complaint was false and malicious, it was for the appellant to prove that the Respondent's report was malicious and that it was made without any reasonable or probable cause."

Finally, Mr. Mhozya referred this Court to the case of ***Leonard Ghatti Magana v. The Attorney General, Civil Case No. 12 of 2012***, High

Court of Tanzania at Mwanza (unreported) where it was held by this Court [Makaramba, J.] that;

"...the mere fact that the Plaintiff was finally acquitted of the charges for the prosecution failing to establish a prima facie case against the Plaintiff is not in itself sufficient to establish malice on the part of the Defendant."

In the instant suit, it is the finding of this Court based on the evidence on record and particularly the testimony by DW2 that, there existed a probable and reasonable cause for the Plaintiff to be arrested and prosecuted based on the fact that, the alleged stolen fishnets inscribed with the mark "SOWETO", were found in the Plaintiff's fishing boats. The Plaintiff never stated if he had been using or being identified by the mark "SOWETO." As it was succinctly stated in the ***Bhoke Chacha v. Daniel Misenya [1983] T.L.R. 329*** and as further stated by this Court in ***Leonard Ghatti Magana vs. The Attorney General, (above)*** and based on the various authorities cited by the learned Counsel in their respective closing submissions, the mere fact that the Plaintiff was subsequently acquitted by the High Court in **Criminal Appeal No. 80 of 2011**, which as I pointed out in this Judgment was on procedural technicalities, does not establish that the original complaint was false and malicious. It was for the Plaintiff to prove that the report by the Defendant about the stolen fishnets was malicious and that it was made without any reasonable or probable cause, which burden the Plaintiff has failed to discharge to the required standard on a balance of probabilities.

It is for the above reasons that, the second issue *whether there was no justifiable and probable cause in instituting the said prosecution* fails and it is hereby also answered in the negative.

The third issue for determination by this Court in this suit is *whether the Plaintiff suffered any damages as a result of that prosecution*. At the trial PW1 stated that, at his premises, the Police Officers seized fishnets together with two jerry cans with 60 liters of petrol and filter in pipe used to fill jerry cans with petrol. According to the Plaintiff the seized fishing nets were 228 each worth 75,000/= which makes a total claim of **Tshs.17, 000, 000/=**. The filter in pipe is worth **Tshs.120,000/=**, and the 60 liters of petrol were worth **Tshs.120,000/=** and the jerry cans were worth **Tshs.90,000/=**. According to the Plaintiff, the receipts for all such items were destroyed by the fire which engulfed his fish camp.

On the evidence of PW1, this Court finds that, and as I intimated to earlier in this Judgment, at the time the Police Officers seized the Plaintiff's properties at the Plaintiff's camp, the Plaintiff was not present and did not therefore witness the alleged items he alleges that were seized being seized by the Police Officers. It was PW2 who witnessed the seizure. According to PW2, the Police Officers seized fishnets, whose number was not stated; petrol jerry cans of 60 litres of whose numbers was not stated, and three tanks. In his testimony PW2 did not state if the Police Officers also seized the filter in pipe. However, in their respective testimonies PW1 and PW2 both talk about the items which had been seized by the Police Officers at the Plaintiff's camp on the **31st day of December, 2007**, which as I pointed out earlier in this Judgment, it is not the case at hand.

The instant civil suit originated from **Criminal Case No. 233 of 2007**, which involved allegations of stealing fishnets and for events which took place between the **30th day of November, 2007 to the 3rd of December, 2007** where it was alleged that, on the **1st day of December, 2007**, Police Officers went to the Plaintiff's camp and seized some stolen fishnets. In my considered view, the Plaintiff is trying to claim for damages over losses caused by events of which are not related to events giving rise to the instant suit. Furthermore, the Plaintiff has failed to establish by cogent evidence if indeed he had in possession those items he claims that they were seized by Police Officers from his premises. In his testimony PW1 stated further that, the receipts towards those properties were destroyed in a fire which engulfed his camp. However, the Plaintiff did not produce any Police report showing the loss of the said receipts in the said fire. As Mr. Mhozya learned Counsel for the Defendant rightly submitted in his closing submissions, it is a cardinal principle of law that, he who alleges must prove as stipulated in section 110 of the *Tanzania Evidence Act*, [Cap.6 R.E. 2002]. In the instant suit, the Plaintiff has failed to prove the fact that the receipts were destroyed in the said fire. I am at one with the submissions of Mr. Mhozya on the decision in the case of ***Stanbic Bank Tanzania Limited v. Abercrombie & Kent (T) Limited, Civil Appeal No. 21 of 2001*** (unreported) which was cited with approval in the case of ***Zuberi Augustino vs. Anicet Mugabe [1992] TLR 137 (CA)*** where it was held that; *special damages must be specifically pleaded and proved*. In the instant case, the Plaintiff has failed to lead evidence to prove the alleged losses he claims to have incurred as a result of seizure of

his various properties by the Police at his premises. The Plaintiff has therefore failed to prove special damages incurred in respect of the properties alleged to have been seized by the Police on the **1st day of December, 2007.**

In this suit, the Plaintiff is also claiming for the loss he sustained after being deprived the right to use the alleged seized fishnets for which he alleges that he was capable of landing a fish catch of about 400 Kgs. of fish per day and that he was selling a kilogram of fish catch at a price of Tshs.3,000/= . And therefore per day he could earn Tshs. 1,200,000/= by selling the 400 kilograms of fish. The Plaintiff maintains further that in a month he could have earned Tshs.36,000,000/= and in a year he could have earned Tshs. 432,000,000/= . Thus, for the six years and six months, the Plaintiff has suffered a loss of **Tshs.3,041,640,000/=** . Unfortunately, the Plaintiff never produced any record of accounts showing that the seized fishnets were capable of landing fish catch of 400 kgs. per day. The Plaintiff failed even to produce any record of accounts showing the kilograms of fish he had been catching per day. As it would appear the claim by the Plaintiff of landing a fish catch of 400 kgs. per day was a mere statement unsupported by any evidence to prove it. It is for these reasons that, the claim by the Plaintiff for loss in profit incurred per day fails and it is hereby dismissed.

In this suit the Plaintiff has also prayed for payment of general damages for malicious prosecution and false imprisonment to be assessed by this Court. In my considered view, the Plaintiff having failed to prove his case that he was maliciously prosecuted the prayer for general damages is of no

consequence and cannot be granted by this Court. The same position applies to the prayers by the Plaintiff for the payment of interests at both commercial and Court rates. In any event, the prayer for payment of interest at the Court rates of 12% and 25% per annum respectively is on the higher side and violates the provisions of Order XX rule 21 of the Civil Procedure Code of which the rate "*shall not exceed 12% as the parties may expressly agree in writing before or after the delivery of the judgment or as may be adjudged by consent,*" which is not the case at hand.

The last issue is on the reliefs the parties in this suit are entitled to. As I intimated to earlier in this Judgment, the Plaintiff having failed to prove his case on the balance of probabilities, consequently, all of the prayers as set out by Plaintiff in his Plaint fail and cannot be granted by this Court. In his Written Statement of Defence, the Defendant prayed that the suit be dismissed with costs. Considering that Plaintiff has failed to prove his case against the Defendant, this Court shall grant the Defendant's prayers.

In the whole and for the above reasons, the Plaintiff's case fails. It is hereby dismissed with costs. It is so ordered.

SGD: R.V. MAKARAMBA
JUDGE
04/08/2017

Date: 04/08/2017

Coram: Hon. Makaramba, J.

Plaintiff: Mr. Novatus Muhangwa, Advocate

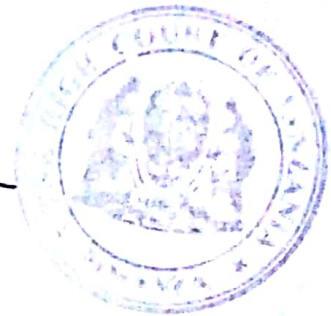
Defendant: Mr. Novatus Muhangwa, Advocate

B/C: Denis Mjuni

Court:

1. Judgment delivered in the presence of Advocate Novatus Muhangwa for the Defendant; and the Defendant present in person; and Advocate Novatus Muhangwa holding brief of Advocate Njelwa for the Plaintiff and the Plaintiff absent.
2. Right of appeal fully explained.


R.V. MAKARAMBA
JUDGE



AT MWANZA
04/08/2017