

<p>In the Court of Appeal of Tanzania at Dar es Salaam Civil Appeal NO 90 OF 2003 Kaji, J.A</p>	<p>THE MANAGING DIRECTOR, MAJIRA NEWSPAPER BUSINESS PRINTERS LTD Vs MAJURA MAGAFU PETER SWAI (Appeal from the decision at the High Court of Tanzania at Dar es Salaam) Luanda, J.</p>	<p>Consequences of filing an appeal without valid decree (Decree not properly signed)</p>
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**IN THE COURT OF APPEAL OF TANZANIA
AT DAR ES SALAAM**

(CORAM: KAJI,J,A,KILEO,J,A,And KIMARO,J, A.)

CIVIL APPEAL NO. 90 OF 2003

**THE MANAGING EDITOR,MAJIRA
NEWSPAPER..... 1ST APPELLANT
BUSINESS PRINTERS LTD..... 2ND APPELLANT**

VERSUS

**MAJURA MAGAFU.....1ST RESPONDENT
PETER SWAI..... 2ND RESPONDENT**

**(Appeal from the decision of the High
Court of Tanzania at Dar es Salaam)**

(Luanda ,J.)

**Dated 2nd day of September, 2003
in
Civil Case No. 242 of 2001**

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RULING OF THE COURT

KAJI, J, A.:

When the appeal was called on for hearing of the preliminary objection which had been lodged by the respondent's advocate Mr. Michael Ngalo earlier on in terms of Rule 100 of the Court of Appeal Rules, 1979, the appellant's counsel Mr.Mnyele prayed for an adjournment to enable him to file a supplementary record with a properly signed decree. His prayer for adjournment was strongly objected to by Mr.Ngalo, learned counsel for the respondents on the ground that since there is no valid decree there is no appeal to be adjourned. He urged the court to strike it out with costs. Mr. Mnyele resisted and urged the court to adjourn the matter to enable him to complete the corrective measures which he had already initiated on 26/7/2007.

All said, we agree with the respondent's learned counsel that since there is no valid decree there is no appeal capable of being adjourned. The purported appeal is incompetent for want of a

properly signed decree. For that reason we strike out the purported appeal with costs.

DATED at DAR ES SALAAM this 14th day of August, 2007.

S.N. KAJI
JUSTICE OF APPEAL

A. KILEO
JUSTICE OF APPEAL

N.P.KIMARO
JUSTICE OF APPEAL

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

I. P. KITUSI
DEPUTY REGISTRAR