

TANZANIA / JUDGMENT

19921124 TZHC Dar es Salaam

COURT
TZHCDECIDED
24 November 1992

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AT LIOJ.0:¼Q;.10 (PC) CIVIL · ..";2!:-:J..;L NO. 11 OF J.992 .A.:JDAIL.;JJ FL\IID<::30 e • • •
"_\P::'DLL.ANT V0c..'SUS MGJJNG I Jlt-l'TifYIMVUA ~ :CJS?Olr.D11I~ JUDGiiiENT This
is an ap:.;ier.l a6 c.inst the decision of the District Court of Kilose. involvin.; an a;})pea.l aGainst
the decision of the Primary Cow:-t of Gairo 0 Gairo is a sma.11 settlmnent are2, within the
Distrfot of Kilosa. The appellant is ttle om1e:r of a house which he had leased to the respondent
for use as a ba1~. AJ3 the house was not yet completed it was agreed between the parties that the
·respondent should complete the house and reoove:r his expenses by setting off from the
mo1JJ1thly l'ent ·he had to pay to the landlord • .After the :respondent he..d spent his money
com:~leting the house the landlord defaulted and the 1~espondent sued him in the Primary
Court of Gail~o. • The res:;;,ondent won his co.se in the Prima:;;,y Court

- I • and the aJroea1 t<? ttle District Cotu't \i2.G dismissed hence this appeal. • In this ap11e2,1
9 r,i:'o N,,.....ssati learned coi.msel fo1~ the .appellant raised only one grot!nd, namely tha,t
th0 COUJ!ts bel'ow had no jurisdiction to deal w:i.th the ma.tter as the c:;;,se involves a
landlord and_ t8.l'"lant relationship which is t~e exclusive ·do • ..;~ Regional Rousing
Tribunz,lo On t3e evidence availe.ble I 2.c;r0e with ¥.lro Massati, learned.
- I advoca.te 9 -that the issue in the c,~se involves the relationship of lanc.lo.i'd and tel12-.nt
ai~d 2.s the ilent '3.est:-:~i.ction .Act 9 1984 vests jurisd·iction over such matte:vs in
the :legio112.1 :C:ousins Tribunal only it follows that the Prima:~..y Covi't of Gai:ro bad no
jurisdiction to hear the case., It follows also -that the District Cou..t't had no jurisdictiono 2
Accordin:;;,ly I he:;;,·c'oy qUc,sh t:le proceed:;;,116 s in the J?rima,ry Court of Gail~o and.
the District Cou:~t of lulosa as none of them had jurisdiction in ttle m11tte:~ • - •
Thec•R·o61,pontl:ont who w2.s the plc:,intiff in the P:da->,r;y Cou:2t is advis:~d to pursue
his claim in the :aegional :::ousine Tribune.I situated d t:10 Cou.-rt of the Resident Mc.c 6
istrate 9 Morogoro if he so wishes~ In view of 'what 1"lappened in this rnattm- 9 the foul t
being that. of. the courts below I will make no- o:rdet ""s to cost so The appe:~:l is therefo1~e
allowed £;nd each pai'ty will bear his own costoo Order acco:rdingly • /~/Vv--->.,_ - - ~
T.L. :Ivll-CT.:1)E · JOWE .11.1992 Delivered in Ch.2.mbe:rs at l\fo:r:ogoro tl:is 24th clay of
November, 1992 in the presence of Mr. Massati fo1~ appellant and Mr. Mwinyimvua the
respondent in 11e!son~ . . I'!!--~:,~ - A . -1,,~;se_ r\ VT~ i: 11IKIT.DE" . JGDG::TI 24.1101992 f

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Prepared on 13 October 2026 · Esheria