

TANZANIA / JUDGMENT

19900928 TZHC Dar es Salaam

COURT
TZHCDECIDED
28 September 1990

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- vcrcus " .. . which wn::; , ;ri th.dram"! .. It ic ct1:::_):::_:,ortoci 'by nn nff'iclo.vi t. a:ffclavi t the ap:)lica:1:t i~c::; G tc tecl tile. t ho did not know tb.o rcaoono for tho 1-ri th,_".rm~rcl nc :le ua.s not in court on tho clay l'Ir. Un:,1bnli for tho ap:)licant uc.c. a.sldnc; tl10 court to 1...100 i to i:11::cr:ont power::; to provide rcl:10c.y to tho cp~licnnt. : .In rC~)ly to t~c.2. t gioc 1-'iuto.buzi tcnc:.cred t:1.0 · p;ffidnvi t of i'l;i~. :... . r--'.ibuy~ ·who. was councl for tl;:o 2.p:,licnnt ut. tho ti~10 of ,.. ,. ~' , · : ' . i;ilc .-,,/ithclrn~:rpl. E.ion · il.u.-,,;ttbuzi;,lt, :iloo.rnGd c ouna cl,· uc'hi-£.: -o;-i- ·;t.o. : 1 ' o~tnt;_ . tho~, tiio; ·;i'f'f'ic:avi t. cl".2.;i."J.y G::101-10.<1 ti1.a. t tho dppli~c~nt', WU?- . . ,... . ····. . . ; rooso'no .of tl:..c withdrawal. 1/iio Mutnbuzi conc1q9-od that th.ore t,ns no c.:ucotion of inhor:nt powcro bcinG c.x:or.oip,o.d. Ih c furt:-:c::;-- reply, Mr. 1h:u:ibc1i, 1onrnocl cou1:Gcl Gcid thnt ho hnd no roc:G o~:1 to (,ou~Jt; t:'lo contents. o:f' tho o.f:fic:o.vi t of' Nr, Mbuy2.. I Thia U:i_)plico. -tion l2no ~10 ,:10:~i ts o.nC: ems t bG clim:lionocl 1-ri th t costs... l t is elem.... f,_""ot:1 tho n~:ficlo.vi t of f-'!r· Mbuyu lom:'11.cc: withdrawn ·with tho conGent 21:c: knm~1loc1.Gc o:f the up;:_:,licnt who wna. present in cour-'c .ct t~'!..C ti;:o of' tho wi thclruwo.1:-. no reason to doubt ·fr. c n:ffic:nvit of l-'!ir ·. Mbuyo. nbout this, nor would there 'Jo cny valicl :ro2.oon for Hr ·. Mlmyn to withc:r.nw the 6p?on1 without tho ocncction or conact of hiG client~ I hold thn t tho o.:f:ficlovi t of' t~'-o ci.:_)],~licnnt that ho ucs not present when the n.ppecl wcs wit:1.C:::..... cun n:ac: -'c:1n-t ho did not ncroo to tho n:_)pcnl be inc; ,~Ti thdr.nwn i::; cortcLlly fo.lo o ~ 2 , · · .. · ,..... J.. Tho applictio:a. <.LlGl:11000(~ i"TI"t,H COS 1.,8 · . · - _ ,,,_.....,..... - . ("----~-----£- ~- --, ····~,,,.:!'~-- _ "" ,_::;:-:- ~- ,A· . :Ci:.Hl1TI ·,)\ _ ,!JD2QE 20/9/1990 Do.li vcrcd.~. ,,,... :,:::=~!/_":·. \;_::: \

- b. DLE.f:..TI \ \ ' -~L'Q.1?..fil1 20/9/1990

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