

TANZANIA / JUDGMENT

19940812 TZHC Dodoma

COURT
TZHCDECIDED
12 August 1994

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IN mm m:arr COURT OF TANZANIA AT DODOMA {l?C} c~ APPJ"~L_po. i2 OF 1994 (.From the deecision of the District Court 0£ Kondoa at Kondoa. in Civil Appeal No. 8 of 1994 Original Civil Case No. 1 67 of 1992 If the Primary- Cou:t-t of _ Pa.hi Distriot at Kondoa) RAJA.W MOHAMED!:

.....,..... APPELLANT Versus IDM ISSA!G\:.u.~Ja.~~... ., ~ ... ,... ,RESPON.Q.El)l'l',

l.JI.JL G M E N T MSOFFE1 J. 1lhe respc,1tdent sued the appellant before rab.i .Primary Court, Kondoa in a clai~1 of Shs.21 1 700/= demanded as compensation resulting from injury inflicted on his child after being bitten by the a.ppella.nt's stray dog plus costs ~r the suit. It appears from the trial Court record however t'la t he won only in a sum of Shs. 17t 000/= plus costs ' . ~ftthe suit. The appellant unaucce3fully appealed to the Distriot Court at Kondoa and henee this second appeal to this oourt. Both the two Courts below were s~tisfied that the appellant 1 a stray dog bit the respondent 1.s child as aforesaid and that the decreed sum of compensation and costs was adequate in the oircumetances. It is evident that those findings a:te matters of fact; and this Court . , finds nothing un:~easonable in the same, ln the absence of any unreaso- nableness on the Satne, this, a Court of second appeal, willnot disturb those fbiings. I:f I understood the appellant c~otly from his memorandum of appeal and in his oral submission to this ,Y ~ou.rt, he appea~J to be sayLDg that the prop~r person to have been sued by the res~ : ndent~ was not him but one Mnhamed Bamadhani. With respect to the ~ 1pellant, this point cannot :~" canvassed now, when he nevar raisec :.t either before the trial ~rimary Court. It is too late in the cla::~ ~ ;o raise it. Indeed it may ,s well be an after . thoug.'itt~.

- ... /2 2 ~~ . I aii ~sa.tlsfled. that the oonou:rr~nt findings of the two lower €ourta a.re ~.Qund. 'llie a.weal fails and is dismissed W:itb oosts. J .rr. MSOFFE JUDGE. Delivered. Appellant - P:t'E 2_.ltc Respondent - ~ ,;;;ent. JUDG'l!:. 12/8/94

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