

TANZANIA / JUDGMENT

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TZHCDECIDED
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cQ A,-- IN THE HIGH COURT OF TANZANIA AT ARUSHA (PC) CIVIL APPEAL NO0 163 OF 1973
(From the decision of the District Court of HANAN 4 0 at BAI31;"TI in Civil Appeal No0 34 of 1973)
MOHAMeD s/0 ROMAYI ----- APPELLANVPLAINTIFF versus MWANAHAMISI S/0
3AID ----- - RESPONDENT/DEFENDANT

JUDGMENT

Jonathan, S. I see' no merit at' all in this second a ppeal brought by MOHAMED ROMAYI, In 1966 he mrried MWANAHANISI D/O SAIDI according to Islamic Law. In 1971 or thereabout the marriage was dissolved. MWANAHANISI then filed the 'present proceedings to get h r household effects returned to her. The trial court gave her judgement ordering MOHAMED to return the items she had listed 1 to the value of shs. 786/50. He unsuccessfully appealed to the District Court. However, the court reduced the award in that, in théeverit of the things not being made available to MWAHAHAMISI he should pay her only one baif of their value, namely, shs. 393/25. He now appeals to this court. There was considerable evidence that, upon WJANAHAMISI getting married to the appellant her mother and other relatives bought a great number of things and presented them to her, apparently to give her a start in her new home,. this according to Moslem Law. The marriage having.been dissolved she filed the proceedings to get those things returned to her. It would appear that according to Law she would be entitled to them if infect they had received them from her relatives and she had not taken them with her following the break—up Of the marriage. The appellant in his evidence flatly denied any of those things having been received into the household. He would call no evidence to bear out such denial. The trial court on the evidence before it had no difficulty in finding for the respondent. With this it is impossiele to disagree and in my view the present appeal ought not to h'ovt been brought. Accordingly, the appeal is dismissed with costs, which I fix at shs. 60/—. P.M.JONATHAN, J U D G E PMJ/Umathi

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