

TANZANIA / JUDGMENT

20021104 TZHC Bukoba

COURT
TZHCDECIDED
4 November 2002

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_J IN THE HIGH COURT OF TANZANIA AT BUKOBA (PC) CIVIL APPEAL NO. 187 OF 1994 (Frcm the decision of the District Court of Muleba Distrfoi.: at Muleba in Civil Appeal No 103/95 anci origin=i.i.l Civil C_3_s,3 No 13/93 of MuJ...ia Urban P.: :!...;iary 0 C,,ur': - Defore: Ga ,J. Kadasso, Esqc DM) a SAMSON MARTIN C,OOOOf'OOOOdOOOOOooooo~ooe-000000-t'/OOO APPELLANT VERSUS CHRIS'.LIAN METHOD • o , • o • " RBSP0l'IDENT

JUDGMENT

The origin of this appeal was a Probate matter No 13/93, of the Urban Court of f.1uleba~ Christian Method Kabagu)::da, the respondent 1 had opened the probate matter seeking to be appointed the administrator of the estate of the-late Stephen Joseph Misikiro. He was granted those letters of adminis'tration. Then, _lhen he was going around looking for the property of the dece3sed, he was informed that a motor-cycle \vas at the place of the appella.,t, Samson Martin. He went to Samson Martin (appellant) and, indeed, found the motor-cycle there. He asked for it but the appellant told .him that the met or-cycle was there, after being sent there by the deceased himself. The appellant told the respondent that the deceased had taken up a loan of Shs 90,000/=, and had put the motor-cycle there as a pawn. So, he refused to surrender the motor-cycle. The appellant said that he could only pa.rt with the motor-cycle aft er getting his money - the shs 90,000/=•

- •• These peop1~ th-en -e-efft. each other to law enforcement organs. The primary Court agreed with the appell~ -t.ltat it was a pai,m. The respondent appealed to the 9i?trict Court. The distriot Court has reversed the decision. Now, Samson appeals to this Court. ~ 'I), 2 I agree with the trial Court, the prima~y Court 1 that.the deceased got a ioa.n and phced the motor-cycle as a pledge. • The reaso:1:;ng of the •primary Court is sound. 'The deceased had relatives wtere 1 if he had no space to park the motor-cycle, could have sent the rnotor-c::,-:;J~ fc,r r -:clXking,. Again, as pointed out by the trial Court, - the death of the deceased wa.s not spontaneous. He fell ill for a long timeo •He could have told them if the motor-cycle was there for parking~ The judgment of the primary Court is restored, . J. JUDGE L:-th November 20020 Parties: Absentc

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/samson-martin-v-christian-method-kabagujda- administrationofestates-tzhc-2002

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