**Mbogoro v Oc-Cid Songea District and another**

**Division:** Court of Appeal of Tanzania at Mbeya

**Date of judgment:** 2 June 2004

**Case Number:** 44/04

**Before:** Ramadhani, Nsekela and Msoffe JJA

**Sourced by:** Lawafrica

*[1] Civil procedure – Court of Appeal Rules – Meaning of deputy registrar with whom to lodge notice of*

*appeal – Effect of not signing notice of appeal.*

**Editor’s Summary**

The appellant sued the respondents for general damages of TShs 100 million for wrongful confinement.

However, he was awarded TShs 20 000 as contemptuous damages and he appealed.

The respondent raised a preliminary objection that the notice of appeal was defective as it was lodged in the sub-registry of the High Court of Tanzania instead of lodging it with the registrar of the High Court and that it also showed that it was to be sent to the deputy registrar of the High Court, instead of being sent to the registrar of the High Court.

**Held** – While it is true that under rule 2 “registrar of the High Court” means the registrar of the High Court and includes a district and deputy registrar of that court, the deputy registrar of the Court of Appeal cannot be a “registrar of the High Court”. It was therefore wrong to send and lodge the notice with the deputy registrar of the Court of Appeal at Songea. Since the notice was not signed by the appellant or his advocate as prescribed under Form D, there was no notice of appeal filed with the court. Appeal struck off.

**Case referred to in ruling**

(“**A**” means adopted; “**AL**” means allowed; “**AP**” means applied; “**APP**” means approved; “**C**” means

considered; “**D**” means distinguished; “**DA**” means disapproved; “**DT**” means doubted; “**E**” means

explained; “**F**” means followed; “**O**” means overruled)

*William Loitiame v Asheri Naftali* Civil appeal number 21 of 1995 (UR)