

The High Court of Tanzania (Dar Es Salaam)

64 /2016

MIC Tanzania Limited v Mwinyijuma Hamisi and 2 Others

Court	:	High Court
Case	:	Criminal
Date of Judgement	:	July 21, 2017
Plaintiff	:	MIC Tanzania Limited
Defendant	:	Mwinyijuma Hamisi and 2 Others
Concept	:	Copyright Civil Procedure
Statue	:	Civil procedure

Panel of Justices

S.R.M Hassani

Judge I. Arufani

Case Background

This ruling is for preliminary objection on point of law raised by the first and second respondents in this appeal against the appeal of the appellant that: The appeal has been preferred by the appellant contrary to the mandatory provisions of Order XXXIX Rule 1 (1) and (2) of the Civil Procedure Code, Cap 33 R.E 2002.

Procedural History

District Court of Ilala first ruling

The plaintiff appealed to the High Court

The high court of Tanzania gave a Judgement on the case

Issue

- Whether there are defects in the memorandum of appeal.
- Whether the law the counsel for the respondents is alleging was contravened by the memorandum of appeal filed in the court by the appellant.

Rational

A non-material error in the pleadings or citation of parties will not nullify the proceedings. However, a material error in the citation of the parties existed in the matter and therefore the appeal from the lower court was dismissed.

Keywords Citation of parties, non-material error is not fatal to proceedings