IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF MUSOMA

AT MUSOMA

LAND APPEAL NO 64 OF 2020

(Arising from Land Case No. 193/2019 of the District Land and Housing of Musoma at Musoma)

SABATO MELLY .....APPELLANT

VERSUS

THE REGISTERED TRUSTEE OF THE

SEVENTH DAY ADVENTIST CHURCH .....RESPONDENT

JUDGMENT

5th & 12th February, 2021

Kahyoza, J

Sabato Mely (Sabato) was adjudged a trespasser to the disputed land by the District Land and Housing Tribunal (the tribunal). Aggrieved by that decision, Sabato appealed to this Court contending that:-

1) The trial erred in law and fact for holding that the Respondent owned the plot in dispute since 1945 while in fact the respondent came into existence on 06th September, 2015;

2) The court erred in law and fact for failure to evaluate certificate of incorporation which was tendered as exhibit P5 hence arrived its decision in a wrong conclusion;

3) The tribunal erred both in law and fact for holding in favour for the respondent while in fact the respondent failed to call material witnesses without any reason.

4) The trial tribunal erred both in law and fact for holding in favour of the respondent basing on hearsay evidence;

5) The trial tribunal erred both in law and fact for holding in for of the respondent basing on un-pleaded facts;

6) the trial tribunal erred both in law and fact for holding in favour of the respondent while in fact the respondent did not prove the source of ownership.

7) The trial tribunal erred both in law and fact for holding in favour of the respondent basing on contradictory evidences.

The grounds of appeal raised the following issues:-

1) Was the tribunal correct to hold that the respondent owned the disputed land from 1945 or at all?
2) Was the tribunal justified to decide in favour of the respondent?
3) Was the respondent's evidence hearsay, and contradictory?
4) Were the findings of the tribunal partly relying on the unpleaded facts?
5) Did the respondent prove how she obtained the disputed land?

A brief account of the background is that: The Registered Trustees of the Seventh Day Adventist Church (the Trustees), the respondent, sued **Sabato Mely** (Sabato), the appellant in the tribunal praying for a declaration that the Trustees are the owner of the land in dispute situated at Suguti Village within Nyambui Ward. They pleaded that they peacefully occupied the suit land from 1947 until September, 2019 when Sabato illegally and without any colour of right trespassed onto the land and commenced to erect two buildings. The Trustees' evidence showed that the

Trustee occupied the disputed land in 1945 and in 1946 established Suguti Primary School and a church in 1948. The school was nationalized in 1967. The church owned a land estimated at around 20 – 23 acres of

Pw1 Charles who started his duties as pastor at Suguti in 2018 deposed that the dispute commenced when he was two years at the station. Pw1 Charles on being cross-examined he contended that he got information from the record that the church did establish a primary school and the fact that land belonged to the church. He also testified that they acquired the land in 1945. Pw2 Sadik, the Suguti village chairman deposed that the church existed at the time he was schooling in 1978. He knew that the land in question belongs to the church at the time he was attending Suguti primary school. Pw4 Benestor who was once a pastor at that place deposed that plots were surveyed in 1979 and a village map prepared, which indicated that the disputed land belonged to the Trustees.

The Trustee tendered a certificate of incorporation indicating the Registered Trustees of the Seventh Adventist Church were incorporated on the 15th September, 2015.

Sabato refuted the claims. He contended that the disputed land belonged to his grandfather Mely Mbeba who cleared the virgin land way back in 1947 and since then his family members used the land in question without interference. In 1988, Sabato's grandfather officially handed over the land in dispute to him and all family members are aware of that. Sabato occupied the land peacefully from 1988 to 2004. In 2005, a dispute over the boundary ensured between Sabato and Seventh Day Adventist

(SDA) Church. He added that in 2005 the trustees's Church usurped the disputed land forcing him to refer the dispute to the village land council.

The village land council heard the matter, visited the *locus in quo*, and decided in his favour. Sabato tendered the decision of the village land council in case No. 12/2005, which was decided on the 30th August, 2005 as exh. D.1. He concluded that the Church did not appeal. The tribunal heard the evidence and decided in favour of the Trustees, hence, this appeal.

Being the first appellate Court, I am duty bound to consider the grounds of appeal and review the evidence.

As indicated above, the appellant raised seven ground of appeal which culminated into 4 issues. Some of the grounds of appeal raised a similar issue. I will commence with first issue which correspondent with the first ground of appeal.

Was the tribunal correct to hold that the respondent owned the disputed land from 1945 or at all?

In support of the first ground of appeal the appellant's advocate submitted that respondent was registered on the 6th September, 2015 hence, the respondent would not have owned the disputed land in 1945. In addition to that, appellant's advocate contended that the respondent could not own land without consent from the Administrator General as indicated in the certificate of incorporation. He prayed the judgment to be set aside.

In his reply, the respondent's advocate disdained the first ground of appeal as baseless. He submitted that the respondent owned the land from 1945 and built two schools Suguti A and B. He submitted that the appellant did not cross-examine Pw1 and Pw4 who testified in respect of the fact. He added that failure to cross-examine on a particular fact means the acceptance of the correctness of the fact. He cited the case **Paulina Samson Ndawavya V. Teresia Thomas Madulina** Civ Appeal No. 45/2015 (CAT unreported).

The respondent's advocate submitted the issue as to when the Registered Trustees were incorporated did not arise in the pleadings. If the applicant doubted the existence of the Registered Trustees' of the Seventh Day Adventist Church in Tanzania, ought to have stated that in the written statement of Defence. If the appellant raised that issue in the pleadings, the Respondent would have been called upon to prove that fact. He added that the law as it stands the party is bound by its own pleadings.

The appellant's advocate filed a rejoinder submitting that the certificate of incorporation was not attached to the application. It was tendered after the Sabato raised concerns that the respondent had not attached the certificate of incorporation. The concerns were raised during the hearing and the tribunal ruled out that the certificate of incorporation may be filed under Regulation 10 (2) and (3) of **the Land Disputes Court** (the District Land and Housing Tribunal). **Regulation GN. 174/2002**. The appellant's advocate insisted that according to the certificate of incorporation the respondent was registered on the 06th

September, 2015. For that reason, the respondent could in no way own the land in dispute in 1945 while it was not in existence.

Having heard the rival submissions, it is this Court turn to determine the issue whether it was proper for the tribunal to hold that the land in dispute belongs to the respondent. The dispute is centred on rival claims by the parties: the respondent's claim is that she owns the disputed land; while the appellant's claim is that he owns the land up to the "mchongoma" tree and the respondent neighbours him. The tribunal found that the whole land belongs to the respondent. The tribunal's finding was based on the ground that the village map prepared in 1978 recognized the land in dispute to belong to the respondent, the Registered Trustees. The appellant's argument is that the respondent would not have acquired land while they were not existing in 1945, as they were registered in 2015.

There is no doubt that the respondent, the Registered Trustees of Seventh Adventist, was incorporated in September, 2015. This is evidenced by **Exh. P.5**, which respondent tendered during trial to the tribunal. The law provides the effect of incorporation under S. 8 of the **Trustees Incorporation Act** [Cap 318 RE. 2002] (the **TIA**), among which is the power to acquire and hold land. Section 8 states-

> *8-(1) Upon the grant of a certificate under subsection (1) of section 5 the trustee or trustees shall become a body corporate by the name described in the certificate, and shall have–*
>
> *(a) perpetual succession and a common seal;*
>
> *(b) power to sue and be sued in such corporate name;*

(c) ***subject to the conditions and directions contained in the said certificate to hold and acquire, and, by instrument under*** *such common seal, to transfer, convey, assign and demise, any land or any interest therein in such and the like manner, and subject to the like restrictions and provisions, as such trustee or trustees might, without such incorporation, hold or acquire, transfer, convey therein, assign or demise any land or any interest.*

(2) All conditions and directions inserted in any certificate of incorporation shall be binding upon and performed or observed by the trustee or trustees as trusts of the body or association of persons or under the trust instrument or declaration of trust, as the case may be.

As gleaned from the above named law, one of the effects of incorporation is the right of the registered trustees to hold and acquire land or any interest therein. That power, however, is subjected to the conditions specified in the certificate of incorporation. Thus, the respondent seized of power to hold and acquire land after its incorporation in 2015 and not otherwise subject to the conditions in the certificate of incorporation. The certificate of incorporation provided, among other things, that "**such body corporate shall not without first obtaining consent my (the Administrator-General of Trustees) consent in writing acquire any estate or interest**" The respondent was bound to obtain written consent from **the Administrator-General of Trustees** before acquiring land or interest therein.

I find not proved that the respondent was in existence in 1945 to be able to acquire land or if she was so existing she obtained consent from

the Administrator-General of Trustees before she acquired the land in dispute.

The respondent's advocate argued that it was not an issue whether the respondent was in existence in 1945 as it did not arise in the pleadings. Indeed, there was no issue as to when the respondent was incorporated. However, the mere fact that the respondent, the Registered trustees alleged in under paragraph 6(11) that "*the applicant (respondent before this Court) has been in peaceful ownership of the suit plot since 1945 until in the month September....*", that statement presupposes two things, **one**, that the applicant was in existence 1945; and **two**, that the respondent owned the disputed land from 1945. The respondent had a duty to prove both presuppositions. It is a trite law that he who alleges must prove. This is a fundamental rule of evidence propounded under section 110 (2) of the Evidence Act, [Cap 6 RE 2019] and in many cases, one of which is **Abdul-Karim Haji v. Raymond Nchimbi Aloyce & Another,** *Civil Appeal No. 99 of 2003 (CAT unreported)* where Court of Appeal stated that-

> *"...It is an elementary principle that he who alleges is the one responsible to prove his allegations."*

In recognition of the duty to establish that the respondent exists, the respondent tendered a certificate of incorporation issued in 2015. The certificate proves among other things, that the respondent existed from 2015 and not before. It is not true that the legal existence of the respondent was not at issue. The appellant raised it during the trial that the respondent had no standing to sue. As the records bears testimony,

the tribunal resolved that issue by its ruling dated 05/06/2020. The tribunal ruled that "*.. the issue raised after the applicant (respondent before this court) has closed his case I leave it open to the applicant to ensure production of its certificate of incorporation only in a manner not affecting the respondent's (appellant before this court) case".* The respondent reacted by tendering the certificate of incorporation Exh. P. 4, which is the certificate of incorporation issued in September, 2015. The respondent ought to have snatched that opportunity to prove his existence, which the appellant challenged.

It is my firm view that respondent's advocate submission that the tribunal did not have an issue as to when the Trustees came into existence, was ill-thought-out. The respondent's existence in law was raised, argued, and ruling made. I therefore, find that the respondent was not in existence in 1945, then, as day follows night, it follows that the respondent would not have held or acquired land from that period. She would hold and acquire land subject to the conditions in the certificate of incorporation from 2015 onwards.

I wish to point out that the respondent after its incorporation in 2015 had mandate to hold and acquire land which vested to her by law, from associations of persons or persons who held the property in trust. There is no dispute that churches, or an association of persons in the name of Adventists Association existed before 2015. Section 89 of the **TIA**, vests the property owned by persons or association to the registered trustees after incorporation. It means property held by the Adventists Association vested in respondent, the Registered Trustees of the Seventh Adventists

Church of Tanzania in September, 2015. I would therefore, competently find that much as the respondent came into existence in September, 2015, the land and other property which were in the hands of Adventists Association, or in other persons were vested to respondent. Section 89 of the **TIA** stipulates that-

> *9.* ***The certificate of incorporation shall, subject to compliance with the Land Registration Act * and of any law amending or replacing the Land Registration Act, vest in such body corporate all movable and immovable property of whatever nature or tenure, belonging to*** *or held by the trustee or trustees or* ***by any other person or persons in trust for the body or association of persons or under the trust instrument or declaration of trust, as the case may be****, and upon incorporation any person or persons in whose name or names any stocks, funds or securities shall be standing in trust for the body or association of persons or under such trust instrument or declaration of trust, as the case may be, shall transfer the stocks, funds or securities into the name of such body corporate, and all covenants and conditions relating to any such immovable property enforceable by or against the trustee or trustees thereof before his or their incorporation shall be enforceable to the same extent and by the same means by or against the body corporate. (****emphasis is added****)*

It is therefore, lawful for the respondent to own land and other property before its incorporation on the strength of S. 9 of the **TIA** cited above. The power of the Trustee to own land under section 9 of the **TIA** is subject to the land laws and not to the conditions in the certificate of incorporation.

Did section 9 of the TIA vest the land in disputed to the respondent upon its incorporation?

After determining the first issue that it was possible for the respondent to own property acquired before her incorporation, it is pertinent to answer, whether section 9 of the **TIA** vested the land in dispute to the respondent. In answering this issue, I shall determine whether the disputed land was owned by persons or a association of persons whose land were vested to respondent upon incorporation. The tribunal found that the village map produced in 1978 recognized the SDA Church as the owner of the disputed land. It added that the map did not recognize the appellant's plot (the respondent before the tribunal). I wish to quote the relevant part-

> *"To substantiate claims of ownership Pw1, working for the applicant as pastor, stated that the applicant started a church at the disputed land in the year 1945 and that when the village map of Suguti village was prepared in the year 1978 the applicant's presence in that area was recognized and that the map shows that is the applicant that occupies that whole land. He stated further that the respondent's presence is not shown in that map. That fact, was also supported by the village executive officer Mr. Sadiki Chiguma, who testified as Pw2. The only reason I find to be a cause for not including presence of the respondent in that map is because he was not in the disputed land in the year 1978".*

I am unable to partake in the tribunal's conclusion that since the village map prepared in 1978 indicated that the disputed land belonged to the respondent (the applicant before the tribunal) the appellant has no right to claim it. I decline to adopt the tribunal's reasoning for following reasons. **One**, the map is not authentic, there is no evidence as to who surveyed the land in question and whether the survey was conducted as per the law and by the approved person. The map was not approved and registered by the Director of Lands and surveyors or by recognized authority or is there an indication that it was approved and registered. To say the least, the map is valueless. No tribunal worthy its name would accord any weight to it.

In addition, I examined the map, **Exh P. 2** and found that it is a photocopy and not readable. It has no any evidential value.

The tribunal interpreted the map based on its own intuition and what the witnesses narrated but not what it tells. It was therefore, wrong for the tribunal to base its decision on the map, Exh. P.2 for reasons stated.

Two, the tribunal found for the respondent on another ground that, appellant was not listed in MKURABITA book. The tribunal defined MKURABITA project as "*a project to identify and recognize owners of plots of land in a given area*". The tribunal found that the project recognized the respondent (the applicant before the tribunal) as the owner of the disputed land. It stated-

> "*Now considering the fact that MKURABITA book was prepared in the year 2009, being thirty one years from the year the village map was prepared in the year 1978, the respondent had not occupied*

the disputed land. Had he occupied it his presence should have been in that book".

The tribunal further found that assertion that appellant was not in MKURABITA book supported by the evidence of Pw4 Benester Matofali. Pw4 Benester Matofali testified that the period he served as pastor at respondent's Church (from 1992-2000) the appellant was not in occupation of the disputed land.

I am unable to buy the tribunal reasoning, that as the appellant's name was not listed in MKURABITA book, he did not own the disputed land. I examined the pages from the said MKURABITA book tendered as Exh. P1, unfortunately, I did not find a list of people owning land within Suguti village as alleged, which excluded the appellant. I guess the tribunal was referring to the book or pages different from the ones forming part of the record of this case.

Even if, the book listed down names of people owning land, that would not have been a conclusive evidence that the appellant does not own a plot. Ownership of land is proved by certificate of title or by any other evidence and not by a mere fact that a person is registered in MKURABITA book.

I have pointed out above that the tribunal held that since the applicant was not listed in MKURABITA book, published in 2009, he was not in occupation of the land. The tribunal reached that conclusion without considering the appellant's defence. The appellant's defence was that his grandfather occupied part of the disputed land and passed it to him. There is **uncontroverted** evidence that in 2005, there was dispute over the

boundary between the appellant's land and the respondent's church's land. The dispute was referred to the Village Land Council. The church was represented by Mzee Mwijambi Fokaya. The appellant tendered the judgment of the Village Council as Exh. D.1. The tribunal kept a copy and returned the original to the appellant. Exh. D.1 depicts that the respondent's church lost the matter before the Village Land Council. The Church was satisfied with the decision reached by the Village Land Council as it did not refer the matter to the ward tribunal.

I am alive of the position of the law that the Village Land Council's duty was to mediate parties and not make a decision. That notwithstanding, section 62 of the **Village Land Act**, [Cap 114 R.E. 2019] and S. 3 of the **Land Disputes Courts Act** [Cap. 216 RE 2019] (the **Cap 216**) refer to the village Land Council as a court. Its decision binds parties. A party aggrieved by its decision may refer the matter to the Ward Tribunal. (See section 9 of **Cap 216**). The fact that there was the land dispute between the appellant and the respondent's church, that piece of evidence refutes the tribunal's findings that the appellant was not in occupation of the suit land in 2009 when MKURABITA book was published. Consequently, I find that the absence of the appellant's name in that book must be an oversight.

Three, the tribunal found for the respondent on the ground that the respondent acquired the disputed land in 1945 before the appellant's grandfather acquired it in 1947. The tribunal held that the appellant's evidence that it was his grandfather who gave a portion of his land to the respondent was impossible as the respondent was the first to occupy the

land in question. The tribunal found that the appellant did not explained how his grandfather obtained the land in question.

I do not agree with the tribunal's findings. **Firstly,** there is no evidence that the respondent's church or association of persons obtained land in **1945**, the respondent being an institution must have followed some procedure to acquire land. I presume the respondent's church should have either applied for land from the village authorities or bought the land. There was no such an account. It should be remembered that it was the respondent (the applicant before the tribunal) which had the burden to prove how it acquired and owned the disputed land from **1945**.

The appellant testified before the tribunal that his grandfather acquired the disputed land by tilling the virgin land in 1947. This was hearsay because the appellant was not present at that time, but it is convincing. As pointed out the respondent gave no evidence on how her church or association of persons acquired the land. Not only that the respondent did not account how her church or association of persons obtained the suit land, but also, it is not clear as to which year did the respondent's church or association of persons obtain land. The respondent stated in his application that she was in peaceful occupation from 1947. The applicant stated under paragraph 6(ii) that-

"*That the applicant has been in peaceful ownership of the suit plot* ***since 1947*** *until in the month of September.....*"

The respondent's evidence showed that the applicant was in occupation **from 1945** without any evidence. I find therefore, that the respondent's utterances at time of giving evidence baseless. It should be kept in mind

that parties are bound by their pleadings. See **Gabdy V. Gsaspair** (1965) E.A.CA 139 where it was held that "**unless the pleadings are amended, the parties must be confined to their pleadings otherwise to decide against a party on matter which do not come against the issues arising from the dispute pleaded clearly amounts to an error on the face of record**."

The respondent is bound by her pleadings that if anything she occupied the disputed land in 1947 and not 1945 as alleged in the evidence. As stated there is no tangible evidence from either side to establish that they were in occupation of the disputed land in 1947.

If one compares the evidence of the appellant and that of the respondent, the appellant's evidence is more reliable than that the of respondent. It is very likely for an individual person to acquire land by tilling a virgin land in 1947 than for an institution to acquire land by tilling a virgin land. It is not clear on the part of an institution, who acquired land on behalf of an institution or an association of person, was it the pastor or members of the congregation? All in all, I am not convinced that the respondent's church or association did acquire land in 1945 which was vested to respondent after its incorporation.

I have pointed out above that there is not controverted that there was a dispute over the same land between the appellant and the respondent's church in 2005. It should be noted that at that time the respondent was not in existence. The respondent's property was in the lands of the association of persons or person like the SDA church of Nyambui. The dispute was over the boundary between the respondent's

church's land and the appellant's land. The village land council found that the boundary between the two was a "*Mchongoma tree*". It does not matter whether that decision was lawful or not what matter is that the appellant was adjudicated owner of the disputed land and that the boundary was the "*Mchongoma tree*". It is worthy to note that the respondent's church did not make a reference to the Ward Tribunal to challenge that finding.

There was no dispute from that time i.e 2005 until 2019 when the respondent sued the appellant before the tribunal. The fact that the appellant won the dispute in 2005 against the respondent's church, he must have been in occupation of the said land.

In the upshot, I find that the respondent could not have had a better title than what the association or person or persons that held land in trust before her incorporation. For that reason, at the time of the respondent's incorporation in September, 2015, the law vested to her the land the church or association of people occupied in Suguti village excluding the appellant's land as found by the village land council in 2005. I will repeat that for the sake of clarity the land the respondent's church owned is the same land vested to the respondent after her incorporation. The church's land was up to the Mchongoma tree and not beyond that. The church must have read the village land council's ruling I wish to quote;

> *"Katika shauri hili Sabato Meri anashtaki Kanisa la SDA Nyambui kwa kosa la kuvamia kukalia na kutumia sehemu ya ardhi kinyume cha sheria za haki milki ya kimila. Mzee wa Kanisa la SDA Nyambui Ndugu Mwijarubi Fokanya alidai mbele ya Baraza kuwa wao kama*

Kanisa na taasisi ya dini wamepewa ardhi hiyo na mmilikaji wa haki miliki ya kimila Mzee Meri Mbebha ambaye alikanusha madai hayo. Juu ya shauri hili mashtaka wazi yamethibitika maan alama ya mpaka wa zamani ambayo ni mti wa mchongoma ulipo eneo la juu jirani na gonja la Mzee Meri Mbebha ni alama ya mpaka wa ardhi ambayo mipaka yake imekubalika baina ya pande zote mbili zinazodai maslahi katika ardhi hiyo...."

I find those wise words of the village land council of Suguti in 2005 to be decisive of the matter pending before this Court.

Was the tribunal justified to decided in favour of respondent?

This issue, which addresses the second and third grounds of appeal was answered in the first issue. I subjected the whole evidence to security and found that there was no ground to find for the respondent. I will not be labour on this issue.

Was the respondents evidence hearsay and contradiction?

The appellant's advocate submitted that all witnesses summoned by the respondent did not witness how the plot in question was obtained. He submitted that all the witnesses did not witness how the respondent got the land in 1945 as they were not there. The appellant's advocate submitted that the respondent's evidence was hearsay.

The respondent's advocate replied that the fourth ground was misplaced. He stated that Pw1, Pw2, Pw3 and Pw4 testified to the effect that the land in disputed belonged to the respondent. The respondent's advocate elaborated on the how each witness knew that the disputed land

belonged to the respondent. I did consider this issue while answering the first issue and found out that there was no tangible evidence on how the respondent, an institution acquired land. I will not hold that the evidence was hearsay rather I will repeat what I stated earlier that, I was not convinced by the respondent's evidence on how she acquired the land in dispute. I wish to put the record proper both parties' evidence on how each party obtained land in 1947, was wanting but the appellant's evidence was convincing more that the respondent's evidence for reasons stated above. For brevity's sake, I abstain from repeating my finding in the first issue at this stage.

Was the findings of the tribunal partly dependant on the unpleaded facts?

In support of this issue, the appellant's advocate submitted that the respondent did not plead how he obtained the plot in dispute. He submitted that title land may be acquired by clearing of bushes, allocation by the village government, inheritance, and purchasing the plot.

The respondent's advocate replied that the appellant's advocate missed the point. He contended that the first issue for determination before the tribunal was whether the respondent herein was the lawful owner of the suit land. Therefore, evidence was led to prove that issue. He added that the trial tribunal could not determine the framed issued if the boundaries were not proved.

I will not dwell on this issue on the ground that while answering the first issue, I traversed all the evidence on the record and made findings as stated above. I agree with the respondent's advocate that the evidence the

respondent marshaled intended to prove that the respondent owned the land in question. I also noticed that some the documentary exhibits were admitted without objection from the appellant. I will not at this juncture and in the circumstances of this case, determine the whether the evidence related to pleaded or unpleaded facts. It is a rule of practice that once issues are framed and agreed upon by the parties, parties are bound to bring evidence to prove or disapprove them.

Did the respondent prove how she obtained the disputed land?

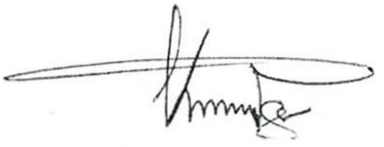
The last issue stemmed from the six ground of appeal. This issue was answered in the first issue. I see no reason to reconsider it.

Finally, I find that the appellant and the respondent, have contiguous lands. The disputed land belongs to the appellant and the boundary is the "*Mchongoma tree*" as decided by the village land council in 2005.

The respondent was not in existence in 1945, but she owned land as the same was vested in her by virtue of section 9 of the **TIA**. The respondent cannot have better title than the Association or the SDA church of Nyambui had at the time of its incorporation. It is the SDA Church's land held in trust as per section 9 of the **TIA**, which the law vested to the respondent upon her incorporation in September, 2015.

I uphold the appeal and award costs of this appeal to the appellant.

I order accordingly.



J. R. Kahyoza, J.
12/2/2020

Court: Judgment delivery in the presence of Mr. Dickson Sanga, Advocate for the appellant and Mr. Elias Ezron for the respondent. Ms. Catherine Tenga present.

J. R. Kahyoza
JUDGE
12/2/2020