

IN THE HIGH COURT OF UGANDA,
AT KAMPALA.
CIVIL APPEAL NO.86 OF 1970

[Original, Civil ,appeal No.113 of 1969 of the Chief Magistrate's Court of Mbale at Mbale Before -Mr. M. Saied, Chief Magistrate)At the Session holden at Mbale on the 31st day of May, 1977.]

MRS. TABISA NAMBOZOAPPELLANT

V E R S U S

1) YONASANI NASSAR

2) SAULO NABENDE.....RESPONDENTS

Before: - The Honourable Mr. Justice P.A.P.J. Allen

31/5/77. Neither party present

Order:

This is an appeal against the Order for costs of the Chief Magistrate at Mbale on 9th September, 1970, in an appeal in which he ordered a retrial of the suit before a magistrate grade II and costs of the appeal, amounting to shs.150/-, to be costs in the cause.

The appellant claimed that since the appeal was allowed she should have been given her costs. Neither party appeared in Court. This appeal has now been placed six times before this Court and each hearing was fixed by the Court and not at the request of the appellant who has shown no interest at all in the appeal nor has she appeared in Court on any occasion since filing the appeal in October, 1970, six and a half years ago.

This may be because it is an appeal over a trivial sum of money. In any event I can see no good reason for prolonging the matter. I also note that the first respondent died several years ago. Accordingly this appeal is dismissed for lack of prosecution under Order 39 Rule 31 C.P.R.