

IN THE COURT OF APPEAL OF TANZANIA

AT DAR-ES-SALAAM

CIVIL APPLICATION NO. 1 OF 1997
In the Matter of an Intended Appeal

BETWEEN

FELIX TUMBO KISSIMA APPLICANT

AND

TANZANIA TELECOMMUNICATION CO. LTD. }
TANZANIA POSTS AND TELECOMMUNICATIONS } ... RESPONDENT
CORPORATION }

(Application for extension of time to lodge
record of appeal from the decision of the
High Court of Tanzania at Dar-es-Salaam)

(Kyando, J.)

dated the 29th day of April, 1994

in

Civil Case No. 177 of 1986

R U L I N G

MFALILA, J.A.:

This is an application for leave to file the appeal out of time. The record shows that the applicant lodged the notice of appeal in time and engaged an advocate in the person of Dr. Lamwai to pursue his appeal. Mr. Ngalo has told this Court that the applicant then fully paid Dr. Lamwai. But contrary to ethics, Dr. Lamwai abandoned his client without doing anything about the appeal. Instead, he kept on doing nothing and in the end decided to tell lies to the applicant in his handwritten note of 18/5/96. Since the applicant had already paid Dr. Lamwai in full for his services, it was not possible for him to find another lawyer in the shortest time possible.

I am satisfied that the delay in lodging this appeal was caused by Dr. Lamwai's conduct of misleading the applicant that he was attending to the matter when in fact he was not. In fact he was telling lies to his client. His note on the applicant's letter to him bears this out.


I am satisfied that this conduct is deplorable and tarnishes the image of the legal profession. If Dr. Lamwai cannot be both politician and advocate, he should make up his mind to pursue one instead of conducting himself in this way. He has not even seen it fit to act the gentleman and refund the fees paid to him.

For these reasons, I am satisfied that the applicant has given sufficient reasons for delaying in lodging the appeal. The application is accordingly allowed, the applicant is granted leave to lodge the appeal within 30 days from to-day 24.2.97. The costs to be in the cause.

DATED AT DAR-ES-SALAAM THIS 24TH DAY OF FEBRUARY, 1997.

L. M. MFALILA
JUSTICE OF APPEAL

I certify that this is a true copy of the original.


(M. S. SHANGALI)
DEPUTY REGISTRAR