

IN THE COURT OF APPEAL OF TANZANIA
AT DAR ES SALAAM

CIVIL APPLICATION NO. 38 OF 1996
In the Matter of an Intended Appeal

BETWEEN

CAR AND GENERAL (T) LTD. APPLICANT

AND

NICHOLAS PERKINS. RESPONDENT

(Application for extension of time to
file Notice of Appeal from the
Judgement/Decree/Order of the High
Court of Tanzania at Dar es Salaam)

(Maina, J.)

dated the 26th day of September, 1995

in

Civil Case No. 39 of 1994

R U L I N G

MAKAME, J.A.:

This application by CAR AND GENERAL (T) LTD., advocated for by Mr. D. Kesaria, learned Counsel, is for Extension of time for filing a Notice of Appeal, inter alia. On behalf of the respondent, NICHOLAS PERKINS, it is resisted by Mr. Majithia, learned advocate.

Both Counsel infact agreed that the application should not be heard, but for reasons which were not identical. Mr. Kesaria urged that the hearing of this application could await the outcome of a Civil Reference connected with the same suit giving rise to this present application, for if the decision in the said Reference turns out to be against the present applicant, there would be no occasion or reason for proceeding with this application. The point made by Mr. Majithia, on the other hand, was that as the counter-affidavit by his client seeks to establish, the present application was filed before


the Reference was heard, and so was pre-mature, therefore it should be dismissed, with costs.

I have carefully considered both submissions, in the context of the inter-relationship of the application and the Reference, and I am of the opinion that it is best that the possible hearing of this application awaits the eventuality of the Reference. I so order; and make no order as to costs. The Ruling in that Reference shall be delivered in the not distant future.

DATED at DAR ES SALAAM this 14th Day of May, 1997.

L.M. MAKAME
JUSTICE OF APPEAL

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


(M.S. SHANGALI)
DEPUTY REGISTRAR