

IN THE COURT OF APPEAL OF TANZANIA  
AT MWANZA

BK CIVIL APPLICATION NO. 3 OF 2000

BETWEEN

KARAGWE DISTRICT COOPERATIVE  
UNION LTD. .... APPLICANT

AND

AARON KABUNGA ..... RESPONDENT

(Application for extension of time  
to lodge an appeal in the Court  
of Appeal from the Judgment of  
the High Court of Tanzania at  
Bukoba)

(Safari, SRM, Ext. Jurisdiction)

dated 29th day of February, 2000

in

HC Civil Appeal No. 11 of 1999

R U L I N G

LUGAKINGIRA, J.A.:

This is an application for extension of time to lodge an appeal. The application is made because 60 days have elapsed from the date of the decision sought to be appealed from and the High Court is yet to supply the proceedings applied for by the applicant. In a way, the application is made to safeguard the applicant's interests. Mr. Katabalwa, learned counsel, appeared for the applicant while the respondent was served but did not appear for unknown reasons.

It turns out that not only has the applicant not been supplied with the necessary documents to enable it to lodge the appeal, but leave to appeal has also not yet been granted by the High Court. An application for leave is still pending before that court.

In view of the absence of leave to appeal, the applicant's right to appeal has not yet accrued. Leave might or might not be granted, and until leave is granted there is no way in which to determine the extent of the extension to be granted. I think, therefore, the application is premature. It should, in my view, be brought after leave to appeal is granted.

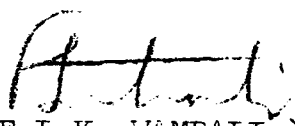
For this reason, I dismiss the application. As the respondent did not appear although duly served, I grant no costs.

DATED at MWANZA this 1st day of November, 2001.



K.S.K. LUGAKINGIRA  
JUSTICE OF APPEAL

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

  
( F.L.K. WAMBALI )  
DEPUTY REGISTRAR