

**IN THE COURT OF APPEAL OF TANZANIA
AT ARUSHA**

CIVIL APPLICATION NO. 14 OF 2013

HADIJA ADAMU.....APPLICANT

VERSUS

GODBLESS TUMBA..... RESPONDENT

**(Application for extension of time to file application for stay of
execution out of time from decision of the
High Court of Tanzania
at Arusha)**

(Mmilla, J.)

**Dated 23rd day of October, 2008
in
Misc. Pc. Appeal No. 15 of 2005**

RULING

23rd & 28th October, 2014.

KAIJAGE, J.A.:

This application for extension of time within which to file the application for stay of execution out of time has been brought under rule 10 of the Court of Appeal Rules, 2009 (the Rules). It is supported by the affidavit sworn by the applicant and the same is predicated upon one ground appearing thus in the notice of motion:-

"THIS application has been taken out on the ground that the respondent herein is in the process of executing the decree issued on the 23rd day of October, 2008 by Mr. MMILLA, Judge, in the High Court of Tanzania (Arusha) PC. Civil Appeal No. 15 of 2005, an act if not stopped promptly shall cause the applicant herein to suffer irreparably and further that should the intended appeal succeed, it shall be rendered nugatory."

When the application was called on for hearing, the applicant who appeared in person adopted the afore stated extracted sole ground and what she stated in her supportive affidavit. Additionally, she orally pressed for a grant of the extension sought because of her ignorance of law and the attendant legal procedures. On the other hand, the respondent had the services of Mr. Duncan Joel Oola, learned advocate. Apart from adopting the contents of the affidavit filed in reply, Mr. Oola strenuously urged me to find that no good cause has been shown in

both the applicant's notice of motion and the affidavit file in support thereof.

Under rule 10 of the Rules, time may be extended upon good cause being shown. The pivotal question which I have to consider and determine in this matter is whether the applicant has shown good cause.

Having taken stock of the applicant's notice of motion together with the contents of the supportive affidavit, I am constrained to accede to Mr. Oola's brief, but focused submission. The ground for relief upon which the present application is premised could be relevant to and appropriate for substantive stay of execution applications brought under rule 11 (2) of the rules, but not for applications, such as the present one, for extension of time within which to file the application for stay of execution brought under rule 10 of the Rules.

Furthermore, from the applicant's affidavit filed in support of the present application, I have not culled any reason justifying the applicant's delay in filing, timeously, the intended application for stay of

execution. What appear to be stated therein, is a summary of the grounds upon which this Court had earlier struck out the applicant's ancillary incompetent applications.

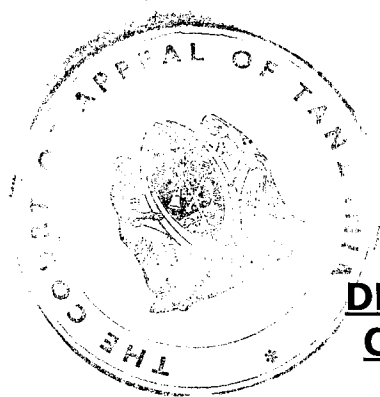
As regards the applicant's apparent ignorance of law and its attendant rules of procedure, I wish to briefly observe that such ignorance has never been accepted as a sufficient reason or good cause for extension of time. (See, for instance, **CHARLES MACHOTA SALUGI Vs. REPUBLIC**; Criminal Application No. 3 of 2011 (unreported)).

On the whole, I am satisfied that the applicant has not shown good cause warranting the exercise of this Court's discretion in granting the extension of time sought. Consequently, the present application is hereby dismissed. Considering the circumstances surrounding this matter, I make no order as to costs.

DATED at **ARUSHA** this 28th day of October, 2014.

S. S. KAIJAGE
JUSTICE OF APPEAL

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




F. J. KABWE
DEPUTY REGISTRAR
COURT OF APPEAL