

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

CIVIL APPLICATION NO. 103 OF 2014

**MOHAMED SALIMIN..... APPLICANT
VERSUS
JUMANNE OMARY MAPESA RESPONDENT**

**(Application from the decision of the High Court
of Tanzania at Dodoma)**

(Kwariko, J.)

**dated the 22nd day of November, 2012
in
Misc. Civil Application No. 7 of 2012**

.....

RULING

23rd & 24th July 2014.

MSOFFE, J.A.:

This is a very brief matter. In the notice of motion made under Rules 10 and 4(2)(a) of the Tanzania Court of Appeal Rules, 2009 (the Rules) and taken at the instance of Dr. Masumbuko Roman Mahunga Lamwai for the Applicant, it is evident that this is an application for *"extension of time within which to make this application, and for a further order that the Applicant be allowed to prepare and lodge the*

record of the proceedings relative to the application and that the jurat of attestation in the Affidavit be amended to show the name of the attesting officer”.

On the face of it, the notice of motion appears to be vague and a bit difficult to comprehend for reasons stated by Mr. Deus Nyabiri for the Respondent, that is:-

- (i) Why apply for extension of time to make this Application which is already in Court?*
- (ii) To prepare and lodge record of proceedings relative to what application?*
- (iii) The jurat of attestation of what is intended to be amended?*

Anyhow, a look at the affidavit deposed by Dr. Lamwai in support of the notice of motion shows that he was instructed to prepare and lodge a notice of motion which was registered in this Court as Civil Application No. 4 of 2013 moving the Court to call for and revise the proceedings of the High Court at Dodoma in Misc. Civil

Application No. 7 of 2012. After lodging the application he realized that an application for revision must be accompanied by the record of proceedings. He had not attached a copy of the proceedings for the reason that it was not in his knowledge at the time that it was necessary to do so.

Which respect, that might as well have been so. But, as already observed, this application is pregnant with the above stated shortcomings. If I may repeat by way of emphasis, it is not known in the first prayer as to what the Applicant wants the Court to extend time for. In terms of Rule 10 of the Rules extension of time is granted upon the showing of good cause. As it is, it is not easy to discern good cause when it is not very clear from the notice of motion as to what it is all about.

There is one other difficulty relating to this application. As it is, the application is omnibus for combining two or more unrelated applications. As this Court has held for time(s) without number an

omnibus application renders the application incompetent and is liable to be struck out – See **Bibie Hamad Khalid V Mohamed Enterprises (T) Ltd; J.A. Kandonga and Hamis Khalid Othman**, Civil Application No. 6 of 2011 (unreported).

For the above two reasons, the notice of motion is defective. It is accordingly struck out with no order as to costs because no party applied for the same.

DATED at DODOMA this 23rd day of July, 2014.

JUSTICE OF APPEAL

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

R.I. RUTATINISIBWA
DEPUTY REGISTRAR