IN THE COURT OF APPEAL OF TANZANIA

AT DAR ES SALAAM

CIVIL APPLICATION NO. 192 OF 2015

CHARLES ZEPHANIA MWENESANO...APPLICANT

VERSUS

DANIEL SAMWEL CHUMA...RESPONDNENT

(Application for extension of time to apply for the revision of the
proceedings, Judgment, Decree, Ruling and Order of the
High Court of Tanzania at Dar es Salaam)

(Ihema, J, and Mruke, J)

In

Civil Appeal No. 301 of 2001 and Misc. Application No. 270 of 2013

RULING

7ᵗʰ & December, 2015

KILEO, J.A.:

The applicant through the services of Mr. G.S. Ukwonga filed an

application for extension of time to apply for revision of the judgment,

decree and proceedings of the Civil Appeal No. 301 of 2001. The

respondent, through the services of Mr. Francis Mgare filed an affidavit in

reply and a written submission in response to the application. A notice of

preliminary objection was also raised on the competency of the appeal

which was conceded to by the learned counsel for the applicant in his

written submission. The learned counsel asked the application to be struck

out without costs.

At the hearing of the application Mr. Francis Mgare appeared for the respondent. There was no appearance on behalf of the applicant. Mr. Mgare did not object to the request for the striking out of the application. He however asked that his client be awarded costs considering the amount of work that was put up in responding to the application including the preparation and filing of affidavit in reply and the written submission.

Having given the matter due consideration I am of the settled view that the respondent should be entitled to costs. The respondent has put in some work which in the circumstances of the case requires to be taken into account. In the event, I struck out the application and order that the respondent shall have his costs.

It is ordered accordingly.

DATED at DAR ES SALAAM this 7th day of December, 2015.

E.A. KILEO
JUSTICE OF APEPAL

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

E.Y. MKWIZU
DEPUTY REGISTRAR
COURT OF APPEAL