

**IN THE COURT OF APPEAL OF TANZANIA
AT DAR ES SALAAM**

CIVIL APPLICATION NO. 205 OF 2015

**1. METRO PETROLEUM TANZANIA LIMITED
2. BILL KIPSANG ROTICH
3. FLORANCE CHEPKOECH
4. PREMIUM PETROLEUM COMPANY LIMITED** **APPLICANTS**

VERSUS

UNITED BANK FOR AFRICA RESPONDENT
**(Appeal from the ruling of the High Court of Tanzania (Commercial
Division) at Dar es Salaam)**

(Songoro, J.)

**dated the 24th day of July, 2015
in
Commercial Case No. 98 of 2014**

RULING

1st & 1st September, 2016

LILA, J.A.:

By way of a notice of motion, the applicants have filed this application under Rules 10, 28 and 48(1) of the Court of Appeal Rules, 2009 praying for extension of time within which to serve the Respondent with the notice of appeal. The application is supported by an affidavit sworn by James Andrew Bwana, Advocate for the applicants.

The major reason given by the applicants in their submissions and affidavit in support of the application for the delay in serving the Respondent with the Notice of appeal is that the copies of Notice of Appeal were, after they had lodged them in the High Court Commercial Division, withheld by such registry until they made several follow up including writing letters as exhibited by copies of such letters annexed to the affidavit in support of the application.

The applicants, in compliance with Rule 106(1) of the Court of Appeal Rules, 2009, filed written submissions in support of the application. The respondent did not file reply submissions as required under Rule 106(8) of the Court of Appeal Rule, 2009. When asked by the Court why such is the case, Mr. Aloyce Bahebe, learned advocate for the respondent, was quick to inform the court that they did not intend to resist the application.

On my part I have read the affidavit in support of the application and the annexures and submissions filed. I have noted that, really, the copies of notice of appeal which were lodged in the High Court Commercial Division were withheld by such registry up and until the advocate for the applicant wrote letters asking to be given the same. It is thus clear that it

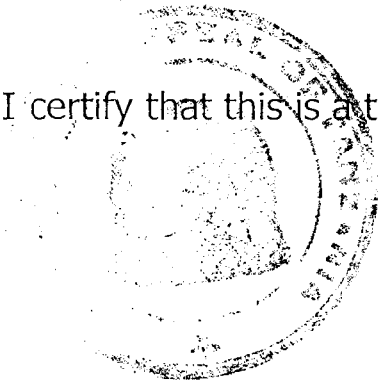
is the High Court Commercial Division Registry which is to blame. I thus find that the applicants have shown good cause for delay in serving the Respondent with the copy of the notice of appeal.

The above said, I hereby grant the application. The applicants are given seven (7) days from today within which to serve the respondent with a copy of the Notice of Appeal. I make no order as to costs.

DATED at DAR ES SALAAM this 1st day of September, 2016.

S.A. LILA
JUSTICE OF APPEAL

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




B.R. NYAKI
DEPUTY REGISTRAR
COURT OF APPEAL