

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

CIVIL APPLICATION NO. 9 OF 2015

**1. AUGUSTINE J. TEMU
2. PAUL F. LYIMO AND 345 OTHERS} APPLICANTS**

VERSUS

**THE DISTRICT EXECUTIVE DIRECTOR
MOSHI DISTRICT COUNCIL RESPONDENT**

**(Application for extension of time to file written submission in an
appeal filed against a decision of the High Court of Tanzania
at Moshi)**

(Mziray,J.)

dated 9th May, 2008

in

Land Case No.1 of 2003

.....

RULING

17th & 24th May 2016

KIMARO, J.A.:-

The applicants who purport to represent 345 others lost the appeal they filed in Land Case No. 1 of 2003. They had claims of ownership over land which was allegedly declared a planning area. Aggrieved by the decision, the applicants said that they filed an appeal in the Court. The applicants could not file written submissions in support of the appeal within the sixty days required by Rule 106(1) of the Court of Appeal Rules 2009.

They have filed a notice of motion under Rule 10 and 106(1) of the Court of Appeal Rules seeking for extension of time to file the written submissions in support of the appeal. The main ground given is that the appeal was filed on 13th August 2015. This application was filed on 19th October, 2015 at the Moshi Sub Registry. The application is supported by the affidavit of Paul Francis Lyimo which reiterates what is stated in the ground for filing the application. He said he had serious health problems which disenabled him to file the submissions in time.

The application came for hearing before me on 17th May 2016. Paul F. Lyimo was present in Court for the applicants. The respondent was absent but it was served with a summons for the hearing of the application on 6th May 2019. No affidavit in reply has been filed by the respondent.

I have thoroughly gone through the application and the supporting documents. The application suffers from one main defect. The applicants have not indicated the number of the Civil Appeal they filed in this Court. Disclosure of the number of the appeal the applicants filed is important for making appropriate and relevant orders. For this reason alone I strike out the application. This does not mean that the applicants'

intention to seek for extension of time to file written submissions in support of the appeal is blocked. They can seek for such leave when the appeal is called on for the hearing.

With the above observation, the application is strike out. There is no order for costs.

DATED at ARUSHA this 20th day of May, 2016

N. P. KIMARO
JUSTICE OF APPEAL

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




P. W. BAMPIKYA
SENIOR DEPUTY REGISTRAR
COURT OF APPEAL