

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

CIVIL APPLICATION NO. 96/17 OF 2020

SILAHA WATSON.....APPLICANT

VERSUS

KULWA NASSORO.....RESPONDENT

**(Application for extension of time within which to file notice of appeal
out of time from the decision of High Court of Tanzania,
(Land Division) at Dar es Salaam)**

(Wambura, J.)

**dated the 31st day of August, 2018
in**

Land Appeal No. 167 of 2017

RULING

21st & 30th September, 2021.

KITUSI, J.A.:

At the hearing of this application with the applicant personally in attendance and Mr. Rajabu Mrindoko, learned advocate for the respondent, the applicant was required to state whether the said application is within time. Unrepresented, the applicant hardly appreciated the problem, so he prayed that on the strength of the supporting affidavit and written submissions, the application be granted.

On the other hand, Mr. Mrindoko submitted that the application is out of time and there is nothing to make the court condone the delay.

This application is for extension of time to file a notice of appeal out of time. It has been preferred under rule 10 of the Court of Appeal Rules, 2009 (the Rules). The supporting affidavit and contents of the written submissions show that the applicant's first attempt to seek extension of time by the High Court failed vide a Ruling dated 14th February, 2020. This, therefore, is a second bite although the notice of motion instituting it has not cited rule 45A of the Rules.

By virtue of rule 45A (1) of the Rules, this application ought to have been filed within 14 days of the refusal by the High Court. Since the High Court's order refusing the application was dated 14th February, 2020. This application was supposed to be filed latest by 28th February, 2020. As it was filed on 25th March, 2020, it was out of time. See, **Mwajuma Ahmada Mzee (Hamidi Ramadhani Mkuya – Legal representative) vs. Hadija Ahmada Mzee & 2 others**, Civil Application No. 104/15 of 2019 (unreported).

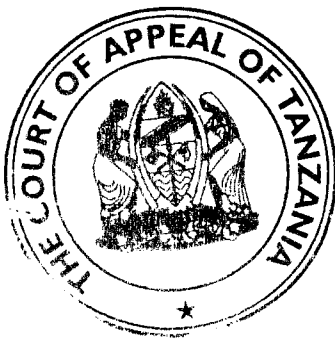
This application being out of time, is hereby dismissed. Mr. Mrindoko did not pray for costs because, he said, the matter was raised by the Court. I make no order as to costs.

It is so ordered.

DATED at **DAR ES SALAAM** this 22nd day of September, 2021.

I. P. KITUSI
JUSTICE OF APPEAL

Ruling delivered this 30th day of September, 2021 in the presence of the Applicant in person and in the absence of the Respondent, is hereby certified as a true copy of the original.




F. A. MTARANIA
DEPUTY REGISTRAR
COURT OF APPEAL