

IN THE HIGH COURT OF TANZANIA

(At Dar es Salaam)

Civil Appeal No. 19 of 2008

WILLIAM MAJI YA PWANIAPPLICANT

VS

TANZANIA PORTS AUTHORITY.....RESPONDENT

RULING

Date of last Order: 07-10-2011

Date of Ruling: 31-10-2011

JUMA, J:

On 3rd March 2011 the Applicant William Maji ya Pwani filed this application under section 11 (1) of the **Appellate Jurisdiction Act, 1979** and Rule 45 (a) of the **Tanzania Court of Appeal Rules, 2009**. He is praying for leave of this Court to grant him an extension of time to enable him to apply for leave to appeal to the Court of Appeal of Tanzania. The Applicant was aggrieved by the decision of this Court (Nyerere, J.) dated 18th January 2011 against which the applicant wishes to appeal. The Tanzania Ports Authority is the Respondent in this application.

According to the affidavit which he took out in support of this application, the Applicant claims that he obtained a copy of the judgment of this Court on 15th February 2011. And he was advised that because the matter did not originate at the High Court, he needed prior leave of this Court within 14 days of the decision against which he wants to appeal. On 17th February 2011 he applied for copies of proceedings and proceeded to file this application on 3rd March 2011. As his sufficient reasons to justify the extension of time, the applicant stated that he was not represented by an Advocate and he needed legal advice before he could comprehend the next legal step to take against the decision of Nyerere, J.

Respondent opposes this application through a Counter affidavit that was taken out by Kokutulage Kazaura a Principal Officer of the Respondent Authority. Respondent contend that the Applicant has not substantiated that he obtained the judgment he wishes to appeal against on 15th February 2011 as he claims. Respondents followed up on their opposition through a written submissions filed by Trustmark Attorneys. In these submission Respondents contended that the Applicant has not set forth sufficient reasons envisaged under section 11 (1) of the **Appellate Jurisdiction Act, 1979** to justify an extension of time. Respondent contend that even if the Applicant obtained legal assistance on 17th February 2011 as he claims, he has not explained why it took him up to 3rd March 2011 to file this application.

From submissions of the opposing sides, this Court will seek to know whether the Applicant has in terms of section 11 (1) of the **Appellate Jurisdiction Act, 1979** *prima facie* shown any reasonable or sufficient cause to explain what occasioned the delay to justify an extension of time. It is the duty of the Applicant seeking extension of time to account for every day of delay: **Aluminum Africa Ltd vs. Adil Abdallah Dhiyebi (Civil Appeal No.6 of 1990 (CA))**. What constitutes sufficient reasons cannot be laid down by any hard and fast rules. Sufficiency of reasons must inevitably be determined by reference to all the circumstances of each particular case.

With due respect, the Applicant has not shown the steps he took after the judgment of this Court was delivered on 18th January 2011 till the time he obtained the services of an Advocate on 16th February 2011. Further, the Applicant has not demonstrated specific steps he and his learned Counsel took from 16th February to 3rd March 2011 when he filed this application. I am of the considered opinion that the Applicant has failed to account for every day of delay and this Court shall not in the interests of justice grant the request.

On the foregoing reasons, the Applicant has not advanced sufficient reasons to justify an extension of time. The application is hereby dismissed with costs.

It is ordered accordingly.



I.H. Juma

JUDGE

31-10-2011

Delivered in Court Chambers in the presence of the applicant.

I.H. Juma

JUDGE

31-10-2011