

IN THE HIGH COURT OF TANZANIA

AT ARUSHA.

MISC. CIVIL APPLICATION NO.81 OF 2015

(ORIGINATED FROM CIVIL APPEAL NO.23 OF 2014)

Between

MELIYO LOGILIEKIAPPLICANT

VERSUS

- 1. LONGIDARE MENAVE1ST RESPONDENT**
2. MIDINI LIKIGELYE2ND RESPONDENT
3. MEISAIYA SUMANGA 3RD RESPONDENT
4. LOSHIRU LESHARI4TH RESPONDENT

RULING

MWAIMU, J.

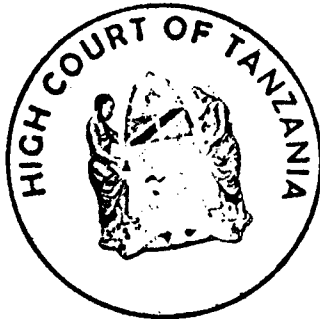
The applicant has filed an application under Order ~~XXXIX~~^{Rule} 19 of the Civil Procedure Code. The ruling which dismissed the appeal intended to be restored was issued on the 24/03/2015. The application at hand has been filed on the 28/04/2015. As simple calculation shows that the application has been filed 35 days after the order of the Court.

Item 9 of Part III of the Schedule to the Law of Limitation Act Cap.89 provides that application for restoration of appeals dismissed for want of prosecution is thirty days.

The instant application is time barred because it was supposed to have been filed lately by 23/04/2015.

As no reasons were furnished for the delay the application is dismissed.

The respondents defaulted appearance and therefore I award no costs.



SGD: M.P.M. Mwaimu

Judge

25/06/2015

I hereby certify this to be a true copy of Original.



DEPUTY REGISTRAR,

ARUSHA.

11/7/15