

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(IN THE DISTRICT REGISTRY)**

**AT ARUSHA**

**MISC- LAND APPLICATION NO. 153 OF 2017**

**GODLIVER IZACK MATHIAS.....APPELLANT**

**VERSUS**

**ROBERT WILLIAM.....RESPONDENT**

**RULING**

Date of last order: 16/05/2018

Date of Ruling: 03/08/2018

**BEFORE: S.C. MOSHI, JUDGE**

This is an application for extension of time. The applicant prays for the following orders:

- (a) That, this Honourable Court be pleased to grant extension of time to file application for review of decree of this Court issued on 21/02/2013 in Land Appeal No. 22 of 2009.
- (b) Costs be in the cause.

The application is supported by the Applicant's affidavit.

Both parties appeared in person. The Court ordered the Application to be disposed off by way of written submissions.

The ground for the Application, as stated by the Applicant is that although the decree supporting the Chamber Summons was granted almost six years ago the defects were not easily detected until when the

decree was due for execution. The Court also noticed the defects at the execution stage. The decree holder has been in Court for many years, if the decree is not rectified he cannot execute it as the defects makes it illegal.

He stated that he wrote a letter to the Deputy Registrar on 19/06/2017 requesting him to rectify the decree. The Deputy Registrar, through his letter dated 25/08/2017 advised him to file a formal Application.

Among other things, the Respondent replied that the Applicant has failed to account for each and every day of the delay. He argued further that the Court had refused to extend time for the respondent to file notice of appeal out of time for the delay of two months. In consequences thereof, the decree that was deemed impugned by the respondent stood and survived to present execution of which could be tantamount to total demolition of the respondent's Matrimonial home.

I have considered both parties submissions. I have decided to grant the Application on the ground that the applicant has been able to show that there are illegalities that need to be cured by the Court. It is not disputed by both parties that the decree suffers some defects that were noted by the executing District Land and Housing Tribunal. It is obvious therefore that, the Court's decree cannot be executed or appealed against unless it has been corrected.

The Court has discretion to enlarge time limits that are set by the law. It is obvious that the matter involves a legal issue that needs to be looked into by the Court.

That said I find that the Applicant has successfully shown sufficient reasons for the court to extend time.

The Application is allowed. The intended Application should be filed within 14 days.

  
**S.C. MOSHI**  
**JUDGE**  
**03/08/2018**

