

**IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)**

AT DAR ES SALAAM

MISC. CIVIL APPLICATION NO. 95 OF 2017

MOHAMED SELEMANI APPLICANT

VERSUS

ZAINAB RAMADHANI..... RESPONDENT

15/3/2018

Coram: Hon. Munisi, J.

For the Applicant: Present

For the Respondent: Present

C.Clerk: Chalamila

RULING:

This application for leave to appeal to the Court of Appeal is time barred. The decision by Justice Mkasimongwa intended to be appealed against was issued on 14/11/2016 while the application was filed on 1/3/2017 about 105 days later. Rule 45(a) of the Court of Appeal Rules provides that the time limit for applications of this nature is 14 days. In that regard an application filed about 105 days later is inordinately time barred. The fate of an application filed out of time is dismissal.

Accordingly, under the provisions of Section 3(1) of the Law of Limitation Act, Cap 89 R.E. 2002 this application is dismissed.

Being a matrimonial matter I make no order as to costs.

Munisi, J.

15/3/2018