

IN THE HIGH COURT OF TANZANIA
AT MWANZA

MISCELLANEOUS CIVIL APPLICATION NO 62 OF 2018

(ARISING FROM THE DECISION OF SENGEREMA DISTRICT COURT IN CIVIL APPEAL NO 26 OF
2017 ORIGINATING FROM CIVIL CASE NO 8 OF 2017 OF BUPAMBWA PRIMARY COURT)

RUKANSOLA MAGERE.....APPLICANT

VERSUS

SERIKALI YA KIJIKI KAFUNZO.....RESPONDENT

RULING

27th November, 2018 & 30th January, 2019

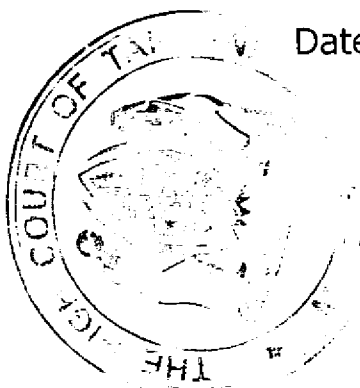
Matupa, J.

The applicant is aggrieved by the decision of the district court of Sengerema, which scaled down a decree the trial primary court of Bupandwa had awarded him. The judgment was delivered on 7th February, 2018 and was certified for collection on the 20th of that month. The main reason for the extension of time is that he was awaiting the court to avail him a copy of judgment. It would appear that the same was availed to him on the 27th march 2018, on which day the court receipted the money he paid for the copy of the judgment. On the same day he moved this court to extend the time within which to appeal to this court.

The appellant has sworn that he applied for the copy of the judgment on the same day it was delivered. There is no evidence to the contrar. The respondent objects the application for the reason that the applicant has not annexed the copy of the letter, which he wrote to request for the copy of judgment.

I have considered the contention by the parties. I find it credible that the applicant, who is after all, is a lay person, applied for the copy of the judgment as he claims; and he paid for it on the same day he was given the judgment. This is because, looking at the manner he moved to extend the time on the day he obtained the copy of the judgment is evidence good enough that he was serious with his appeal. I am satisfied that, the delay, was largely, occasioned by the failure by the Court to avail him the copy of judgment on the 20th February, 2018 when it was certified.

In the upshot, I do hereby allow the application and extend the time within which the applicant can file his appeal for thirty days from today.



Dated at Mwanza this 30th day of January, 2019


S.B.M.G. Matupa

Judge