

**THE UNITED REPUBLIC OF TANZANIA
JUDICIARY**

**IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF MBEYA)
AT MBEYA**

MISC. LAND APPLICATION NO. 101 OF 2018

(From the District Land and Housing Tribunal for Rungwe at Tukuyu in Land Appeal No. 55 of 2016. Originating from Isongole Ward Tribunal in Land Case No. 08 of 2016)

MAGRETH MAKUBA.....APPLICANT

VERSUS

NISILE ERNEST.....RESPONDENT

RULING

Date of Last Order: 15/04/2020
Date of Ruling : 08/05/2020

MONGELLA, J.

The applicant is seeking for extension of time within which to file an appeal in this Court out of time. The application is supported by a sworn affidavit of the applicant. The application was argued by written submissions. However, the respondent never filed her submission in reply despite being duly served with summons and the applicant's written submission. Thus as per the dictates of the law, matter proceeds ex parte against her.

In her affidavit as well as in the written submission the applicant has advanced one major reason for her delay. This is to the effect that she got seriously sick immediately after judgment was pronounced in the District Land and housing Tribunal. She said that she got better around 24th November 2018 whereby the time to appeal had already elapsed, hence this application which was filed in this Court on 26th November 2018. She annexed medical records to prove that she was attending treatment at Inyala Hospital during the delayed time.

I have considered the applicant's reason for delay and find that she has advanced sufficient reason to be granted the extension of time. Sickness can only be accepted as sufficient reason where the applicant has provided proof to that effect. Since the applicant has backed her reason of sickness with medical record, I find no reason to deny her the extension of time. In the case of **Richard Mgala & 9 Others v. Aikael Minja & 4 Others**, Civil Application No. 160 of 2015 sickness was accepted by the Court as being sufficient reason to warrant extension of time. On these bases, I grant the applicant the extension of time to file her appeal out of time in this Court. The applicant is given sixty (60) days from the date of this ruling to file her appeal.

Dated at Mberera on this 08th day of May 2020.




L. M. MONGELLA
JUDGE

Court: Ruling delivered in Mbeya in Chambers on this 08th day of May 2020
in the presence of the Applicant appearing in person.


L. M. MONGELLA
JUDGE