

IN THE HIGH COURT OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

MISC. CIVIL APPLICATION NO. 45 OF 2020

(Arising from the Ruling of Nyamagana district Court Misc. Civil Application No 10 of 2018 dated 15/8/2018 Hon. Ruboroga, SRM arising from Mwanza Urban Primary Court Civil Case No. 416 of 2017)

JOSEPH MABAOAPPLICANT

VERSUS

TABU GODFREYRESPONDENT

REASONS FOR THE DECISION

12 & 25.06.2020

RUMANYIKA, J.:

When an application for extension of time within which one Joseph Mabao (the applicant) to appeal against the 17/7/2019 decision or refusal of Nyamagana district court of an application for revision (with respect to judgment and decree of Mwanza Urban primary court in Civil Case No. 416 of 2017) was called on for hearing on 12/6/2020, accordingly to her for interest of justice Ms. Dorothea Method learned counsel for Tabu Godfrey (the respondent) readily supported it. That is it. The applicant appeared in person.

Following the global outbreak of coronavirus pandemic and pursuant to my order of 10/6/2020 the parties were present online through mobile numbers 0737 140 574 and 0753 065 472 respectively, I heard them.

I granted the application on the spot and reserved reasons therefor here are the reasons;

For good reasons the elderly and typical layman applicant may have not been happy with judgment and decree of the trial primary court yes, he took a wrong course (revision instead of appeal) and it is for that reason that the matter was dismissed on 15/8/2018, whereby his subsequent applications for revision and extension of time were struck out and dismissed fine, but the delay, it appears for such reasons beyond the applicant's control began from there much as the learned resident magistrate was settled in mind that as general principle revision was not alternative of appeal and the applicant's wasn't exceptional to the rule, yet still instead of striking it out the magistrate dismissed the incompetent application in fact the confusion and delay of the layman was that much contributory and therefore he shared the blame with the court. It is for this reasons that I granted the application on 12th June, 2020.



S. M. RUMANYIKA

JUDGE

14/06/2020

Reasons delivered under my hand and seal of the court this
25/6/2020 in absence of the parties with notice.




S. M. RUMANYIKA

JUDGE

25/06/2020