

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

MISC LAND CASE APPLICATION NO. 105 OF 2019

(Arising from Misc Land Application No. 112 of 2015 of the High Court of Tanzania in Land Appeal No. 75 of 2010 and Land case Appeal No. 113 of the District Land and Housing Tribunal for Dodoma, original Unyamikumbi Ward Tribunal in Land Case No. 1 of 2009)

JUMA MARE APPLICANT

VERSUS

CHARLES MASUNERESPONDENT

7/9/2020 & 21/9/2020

RULING

MASAJU, J

The Applicant, Juma Mare, vide Chamber Summons Application made under section 11 (1) of the Appellate Jurisdiction Act, [Cap 141] seeks leave of the Court to file an Application for certificate on point of law in an extended time against the decision of the Court in Miscellaneous Application No. 112 of 2015. The Application is supported by the Affidavit sworn by the Applicant himself.

The Respondent, Charles Masune, contests the Application. He filed his Counter Affidavit to that effect.

When the Application was heard in the Court on the 3rd day of August, 2020, the Applicant was represented by Mr. Hamis Juma, his legal representative duly appointed through a Special Power of Attorney filed in the Court. The Respondent was represented by Ms. Nyanjiga Nyabukika, learned counsel.

The layman Applicant prayed to adopt his Affidavit to form part of the submissions in support of the Application.

On his part, the Respondent contested the Application by praying to adopt the Counter Affidavit to form part of the submissions against the Application in the Court.

The reasons for the delay in filing the Application for Certificate on point of law are stipulated at paragraphs 2 and 3 of the Applicant's Affidavit, that the Applicant being a layman, he did not know the procedures for filing a case to the Court of Appeal of Tanzania and that, his Advocate who assisted him in filing a Notice of Appeal refused to take further instructions.

Record of proceedings of Miscellaneous Land Application No. 112 of 2015 to be appealed against shows that the Ruling was delivered on the 22nd day of February, 2018. The Application in the Court was filed on the

7th day of October, 2019, that is 1 year and 7 months delay in filing the Application.

The fact that the Applicant is a layman does not restrict him to make follow ups of his rights, if any, neither does it remove his duty to make follow up of the status of his case and the procedures to be followed.

There must be good cause for the Applicant to be granted extension of time, that is to say, he has to act diligently and in good faith in pursuing his right, if any. In the instant case the Applicant did not act in diligence and good faith. Ignorance of law does not take place of diligence. The Applicant ought to have inquired at the Court's Registry and be instructed accordingly on what he was supposed to do as the right procedure.

In **Ngao Godwin Losero Vs. Julius Mwarabu (CAT) Civil Application No. 10 of 2015, Arusha Registry (Unreported)**, it was decided, thus;

"..... a diligent and prudent party who is not properly seized of the applicable procedure will always ask to be apprised of it for otherwise he/she will have nothing to offer as an excused that said for sloppiness."

The Applicant has failed to show good cause of his delay for 1 year and 7 months time. That can not be entertained by this Court for there must be an end for litigations, hence the law of limitation.

The Application is hereby dismissed for want of merit. No orders to costs.




GEORGE M MASAJU

JUDGE

21/9/2020