

**IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)
AT DAR ES SALAAM
CIVIL CASE No. 41 OF 2017**

MTINDO MANYANGA.....APPLICANT

Versus

**PERMANENT SECRETARY
MINISTRY OF HOME AFFAIRS.....1st DEFENDANT
ATTORNEY GENERAL.....2nd DEFENDANT**

RULING

12th November, 2019 – 25th February, - 10th March, 2020

J. A. DE-MELLO J;

The Applicant has moved the court under **section 5 (41) (c) of GN 381 of 2019 under Cap. 33**, amended schedule for the following prayer;

- 1. This Honorable Court be pleased to grant Extension of Time on expiration of Speed Track II.**

The Respondent, fended by **Legal and Human Rights Centre** presumably and on legal aid, whereas; the Applicant, represented by **Jackline Kinyasi, State Attorney**. Hearing was conducted by way of oral submissions, **in which the learned State Counsel** bringing to the attention of the Court on the 12th **November, 2019** of the expiry of suit since the 24th of August 2017. Simply it is this background that she now prays for extension of time for yet another six months.


Opposing the Application, the Respondent contends that the delay and as record reveals has been occasioned by the Applicants themselves for failing and or neglecting to appear and pursue their suit. If granted, he further observes, it will be unfair and, improper not only to him who enjoys his rights but also an abuse of court process.

It is on interest of justice and to both, **Jackline Kinyasi**, insists for its extension.

The law, according to **section 5 (41) (c) of GN 381 of 2019 under Cap. 33**, amended schedule I borrow;

“Where the assigned speed track of a case runs its course before the conclusion of the suit, the court shall- where neither party is to be blame for the delay, extend time not exceeding half the period of the assigned speed track”

True I agree it has expired and no one to blame even the Court and yet to be accomplished. I therefore exercise my discretion judiciously, as I hereby extend time for another **six (6) months**, as it is hereby granted.


J. A. DE-MELLO
JUDGE
10th March, 2020