

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(ONE STOP JUDICIAL CENTER)
AT TEMEKE

MISC. CIVIL APPLICATION NO. 2 OF 2021

(Arising from Matrimonial Cause Appeal no. 4/2021 of Kigamboni District Court before A.L.Mchome originating from Matrimonial Cause no.124 of 2020 of Kigamboni Primary Court before Hon. C. Luguru - RM).

ANGELINA MWAMGUNDA.....APPLICANT

AND

HARUNA MWAKIPASO.....RESPONDENT

22/10/2021

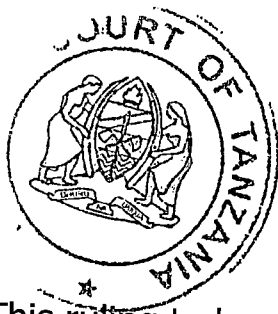
Coram: Hon. I.C. MUGETA, J.

PARTIES: Absent

RULING – EXPARTE

The applicant has applied for extension of time to appeal outside the prescribed time. The reason for delay is that he filed the appeal in time but it was returned for being filed in a wrong registry. He filed it in the Dar es salaam District Registry on 15/9/2021 while it was supposed to be filed in the Temeke District Registry (One Stop Centre) which was established on 27/8/2021 by G.N.No. 240/2021. These facts are contained under paragraph 4 and 5 of the affidavit and the copy of the rejected petition of appeal is annexure A2 to the affidavit. Indeed, the memorandum of appeal was

received at the registry on 15/9/2021 while the impugned decision was delivered on 17/8/2021, therefore well within the appeal period. I understand the confusion caused by the establishment of the Temeke sub – Registry and since the applicant has proved that she filed the appeal in a wrong registry in time, this application must be granted. Extension of time for appeal purpose is a sole discretion of the Court on a party showing a sufficient cause and accounting for each day of the delay. The applicant has shown a good cause which has attracted me to determine the application exparte on the basis of the evidence in the affidavit understanding that this decision does not in any way prejudice any party and it serves time and costs. The intended appeal to be filed within 20 days from today.



Mugeta

I.C.Mugeta

JUDGE

22/10/2021

ORDER: This ruling to be delivered to the applicant immediately in any case not later than 25/10/2021.

Sgd: I.C.Mugeta

JUDGE

22/10/2021