

IN THE HIGH COURT OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

MISC. CIVIL APPLICATION NO. 95 OF 2020

(Arising from Misc. Civil Application No. 64 of 2020)

TAASIYANA TEONEST..... APPLICANT

VERSUS

TEONEST JERALD KALINJUMA RESPONDENT

RULING

8th & 16th March, 2021

RUMANYIKA, J.:

The application for leave, with respect to decision and refusal of extension of time dated 30/07/2020 of this court (Mgeyekwa, J) within which Taasiyana Teonest (the applicant) to appeal is supported by affidavit of Taasiyana Teonest whose contents it appears the applicant adopted during the hearing. It is brought under Section 5(1) (c) of the Appellate Jurisdiction Act Cap 141 R.E. 2019.

The applicant only submitted that the parties having had attempted they failed to settle, the court now be pleased to grant the application.

Teonest Jerald Kalinjuma (the respondent) he submitted that the reason why they failed to settle was that with all costs the applicant had resisted sale of the matrimonial house for them to share the proceeds. The

application lacks merits equally the layman respondent further contended by way of audio teleconferencing the parties having been heard through mobile numbers 0762337393 and 0754665602 respectively. That is it.

The issue is whether from the impugned decision the applicant has shown any point of general importance or any disturbing feature by way of appeal determinable by the highest fountain of justice. One having had the decision been delivered on 20/03/2020 and, say 17 days later i.e. 07/04/2020 she applied for the copies and was late in the day supplied on 14/05/2020 nevertheless she did not apply for extension of time until say 22 days later i.e. 02/06/2020. The applicant may have failed to account for each day of the delay yes, but now that yet still she expressed her intention to appeal, among others irrespective of the issue of timing, it is trite law whether the intended appeal had any likelihood of success (see the case of **Sampson Kishosha Gabba V. Charles Kingongo Gabba** (1990) TLR 133. It is for this reason that I am inclined to grant the application as hereby do. The application for extension of time is granted. Each party shall bear their costs. It is so ordered.

S. M. RUMANYIKA
JUDGE
06/03/2021

The ruling is delivered under my hand and seal of the court in chambers this 16/03/2021 in the absence of the parties.




S. M. RUMANYIKA

JUDGE

16/03/2021