

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA
AT SHINYANGA**

MISC.CIVIL APPLICATION NO 1 OF 2021

(Arising from Civil Case No. 06 of 2020 of the District Court of Shinyanga)

M/S CASCO TECHNOLOGIES CO. LTD.....APPLICANT

VERSUS

KAL HOLDING CO. LTD..... RESPONDENT

RULING

Date of Last Order: 23/3/2021

Date of Ruling: 24/3/2021

MKWIZU, J.

This is an application for extension of time to file leave to appeal to the Court of Appeal out of time. The Chamber summons was preferred under S. 14(1) of the Law of Limitation Act, Cap. 89, R: E 2019, accompanied by an affidavit deposed by the applicant's advocate Pharles Focas Malengo.

Brief facts as indicated in the applicant's affidavit are that, respondent had filed a civil suit No 06 of 2020 before the Shinyanga District Court under a Summary Procedure. Applicants' application for leave to defend was rejected

through a ruling delivered on 23rd July, 2020 and therefore the matter proceeded in the absence of the applicant.

That in the absence and without notice to the applicant, the District Court delivered its judgement on 8th October, 2020. Applicant said, he became aware of the decision on 30th December, 2020 when they were served by the respondent's counsel with the application for extension of time to file bill of costs. At this time, the applicant was already out of time to file revision. The applicant's affidavit stated further that the decision of the District Court is tainted with serious irregularities

On his party, respondent's counsel, Mr. Audax Constantine did not oppose the application. He said, after going through the grounds for the application, he was of the view that applicant have adduced sufficient reasons for the court to allow the application.

I have carefully gone through the application. As state above, two reasons are evident. **One**, that applicant became aware of the decision after the time of filing revision has expired and ***second*** that the decision sought to be challenged is marred with serious irregularity. These are both good grounds

in an application of this nature warranting this court to exercise its discretion to grant the prayer sought as I hereby do. The time to file revision is hereby extended. Applicant should file the intended Revision application with 14 days from the date of this order. It is so ordered.

DATED at Shinyanga this 24th day of March 2021.

