

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(IN THE DISTRICT REGISTRY OF KIGOMA)
AT KIGOMA
(APPELLATE JURISDICTION)**

MISC. CIVIL APPLICATION NO. 6 OF 2021

(Arising from Matrimonial Cause No. 2/2020 of Kasulu District Court)

RESTINA DAUDI APPLICANT

VERSUS

BARAKA KAHULANANGA RESPONDENT

R U L I N G

4th May & 4th May, 2021

I.C. MUGETA, J.

This is an application for extension of time to appeal against the decision of the District Court of Kasulu delivered on 15/12/2020. Copies of the judgment was not supplied up to 28/1/2021 where the forty five days within which to appeal had expired. The applicant is assisted by the Women's Legal Aid Centre to pursue this application which was filed on 1/4/2021. According to Aman Wangigo of Women's Legal Aid Centre, after they got the copy of the judgment his father passed on and the applicant was looking for court fees to enable the filing of this application.

In response, Abdulkheri Ahmad counsel for the respondent has submitted that the application has no merits because the applicant neither advanced a



sufficient cause for the delay nor accounted for each day of the delay particularly the time from the supply of the judgment to the date of filing this application. On the departure of Mr. Amani's father he submitted that the Women's Legal Aid Centre is an institution, therefore, his absence could not have affected the processing of this application in time.

Grant of extension of time is purely a discretion of the court. I have reviewed the reasons advanced I am satisfied that the applicant has not properly accounted for each day of the delay particularly after he was supplied with copy of the judgment. However, the applicant being on Legal Aid Service is not the only person to blame. Failure of the trial court to supply records timely which act is against the judiciary policy to have the same supplied within twenty one days from the date of the judgment might have impacted on the applicant's response. Having considered this fact and the fact that the applicant is on Legal Aid Service, I exercise my discretion in favour of the applicant. The intended appeal to be filed within fourteen days from the date of this order.

The application is granted. no orders as to costs.



Mugeta

I.C. Mugeta

Judge

4/5/2021

Court: Ruling delivered in chambers in the presence of the applicant and her advocate Mr. Amani Mwamgiga and in the presence of the respondent and his advocate Mr. Abdulkheri Ahmad.

Sgd: I.C. Mugeta

Judge

4/5/2021