

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**MISC. CIVIL APPLICATION NO. 375 OF 2019**

*(Arising out of the ruling of the District Court of Ilala in Application No. 80 of 2019 by  
Hon. Mpaze-Taxing Officer dated 11<sup>th</sup> June, 2019)*

**GI SECURITY GROUP LIMITED.....APPLICANT**

***VERSUS***

**2M MEDIA LIMITED.....RESPONDENT**

**RULING**

*Date of last order:* 27/04/2021

*Date of ruling:* 27/04/2021

**MLYAMBINA, J.**

The Applicant is seeking for leave to file reference out of time. The application was made under Order 8 (1) and (2) of the Advocate Remuneration Order 2015 and it was supported with the affidavit of Ibrahim Saidi Gereza, the Principal Officer of the Applicant's Company.

When the matter was called for hearing on 8<sup>th</sup> April, 2020, the Court ordered the application be disposed by way of written submissions. According to the schedule, the Applicant was to file by 22<sup>nd</sup> day of April, 2020, reply by 6<sup>th</sup> May, 2020, rejoinder by 13<sup>th</sup> May, 2020 and mention for necessary orders was set on the 20<sup>th</sup>

day of May, 2020. On the later date, the Court suomoto extended the schedule as follows; the Applicant to file by 3<sup>rd</sup> June, 2020, reply by 17<sup>th</sup> June, 2020, rejoinder by 24<sup>th</sup> June, 2020 and mention for necessary orders was set on the 15<sup>th</sup> day of July, 2020.

It is very unfortunate that neither the Applicant nor the Respondent has appeared to the Court since 8<sup>th</sup> April, 2020 todate. Worse, the Applicant never complied with the order of the Court. This Court in the case of *Fredrick. A.M. Mutafurwa v. CRDB 1996 Ltd and Others* Land Case No. 146 of 2004 made it clear that "*practice of filing submissions is tantamount to hearing*"

In the event of the foregoing, the application is hereby marked dismissed for want of prosecution. Costs be shared.



**Y. J. MLYAMBINA**  
**JUDGE**  
**27/04/2021**

Ruling delivered and dated 27<sup>th</sup> April, 2021 in the absence of both parties.



**Y. J. MLYAMBINA**  
**JUDGE**  
**27/04/2021**

