

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(DAR ES SALAAM DISTRICT REGISTRY)

AT DAR ES SALAAM

MISCELLANEOUS CIVIL APPLICATION NO.328 OF 2021

SALIM YUSUFU-----APPLICANT

VERSUS

ALLY BAKARI MAHILO (as administrator of the estate of the late BAKARI HASSANI)

MAHILO-----RESPONDENT

RULING

29/9/2021 & 6/10/2021

I.C MUGETA J

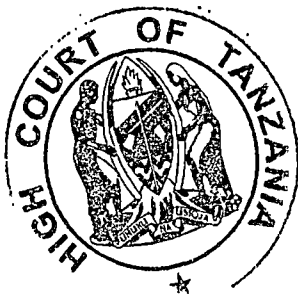
The applicant is seeking for orders that: -

- 1. This honourable court be pleased to extend time in which the applicant may lodge application for revision out of time against the ruling and drawn order of Temeke District Court in Misc. Civil Application No.28 of 2000 dated on 10/07/2020 by Hon. Kihawa.*
- 2. Costs of this application follow the event*
- 3. Any other further relief that this honourable court may deem fit, just and equitable to grants.*

At the hearing the parties appeared in person. Both of them adopted their affidavit and counter affidavit and prayed the court to proceed to pass this decision.

The brief facts of the case are that the applicant wished to execute a decree in civil case No. 28/2000 of Temeke District Court. He filed for that purpose Misc. Civil Application No. 68/2019 which was struck out for incompetency. He challenged that

decision in this court vide Misc. civil application no. 43/2020 which was struck out on 16th April 2021 for being time barred, hence, this application which was filed on 9th July 2021 after the expiry of 84 days. The applicant in his affidavit, neither accounted for each day of those 84 days nor showed sufficient cause for the delay. What he averred in paragraph 8 of his affidavit is that he wrote a letter to the Registrar to express his dissatisfaction with the dismissal order who advised him to seek legal assistance. Assuming the 84 days were spent on obtaining legal assistance as per the Registrar advice, the assumption is unsupported by the pleadings as the applicant's application shows that it was drawn by himself. For that matter 84 days spent before filing this application are unaccounted for. In my view, this delay is inordinate as it remains unexplained. This application, therefore, lacks merit and it is hereby dismissed with no orders as to costs.



A handwritten signature in black ink, appearing to read "Mugeta".

I.C MUGETA

JUDGE

6/10/2021

COURT:- Ruling delivered in chambers in the presence of all parties who appeared in person.

I.C MUGETA

JUDGE

6/10/2021