

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(IRINGA DISTRICT REGISTRY)**

AT IRINGA

MISC. LAND APPLICATION NO. 43 OF 2019

*(Arising from Misc. Land Application No. 42 of 2018 High Court Iringa and Iringa District
Land and Housing Tribunal Land Case No. 61 of 2014)*

BETWEEN

MARIAM LIHAWA.....APPLICANT

AND

JOYCE MLOWE (Administratrix of the estate

of the late Alex Mlowe.....RESPONDENT

RULING

Date of last Order: 05/08/2021

Date of Ruling: 25/11/2021

MLYAMBINA, J.

This is an application for extension of time to lodge Bill of Costs out of time from the ruling of this Court dated 22nd October, 2019 from Misc. Land Application No. 42 of 2018. It is supported with an affidavit of Justinian Mushokorwa, Advocate of the Applicant. The application was objected by the Respondent through the Counter Affidavit filed 31st March, 2020.

When the application came for hearing on 5th August, 2021, the Applicant prayed to dispose the application by way of written submissions. Her prayer was granted. According to the schedule, the Applicant was ordered to file her submission in chief by 19th August, 2021; Reply submission was to be filed

by 2nd September, 2021; and Rejoinder (if any) was to be filed by 9th September, 2021.

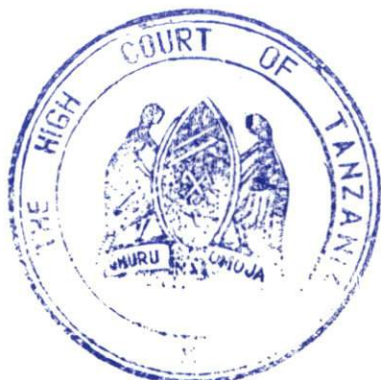
It is very unfortunate, the Applicant never complied with the Court's order and there is no any explanation leave alone good explanation from the Applicant as to why she never complied with the Court's order. Her failure to file the written submissions as per the Court's order is tantamount to failure to prosecute her application. In the case of **Abisai Damson Kidumba v. Anna N. Chamungu and 3 Others**, Miscellaneous Land Application No. 43 of 2020 District Registry of Mbeya at Mbeya (unreported), the Court observed:

...The law is settled to the effect that a case shall face dismissal for want of prosecution if a party fails to file his written submission on the date fixed by the Court... Consequently, under the circumstances, I dismiss the applicant's application with costs for want of prosecution.

Also, in the case of **NIC of Tanzania and Consolidated Holding Corporation v. Shengana Ltd**, Civil Application No. 20 of 2007 (unreported), the Court of Appeal of Tanzania at Dar es Salaam, held:

The 1st applicant did not file submissions on due date as ordered. Naturally the Court could not be made important by a party's inaction. It had to act and it is trite law that failure to file submissions is tantamount to failure to prosecute one's case. In this case the supporting submission was not in place, the Court.

In the premises of the above, the application is hereby marked dismissed with costs for want of prosecution. It is so ordered.



Y. J. MLYAMBNA
JUDGE
25/11/2021

Ruling delivered and dated 25th November, 2021 in the absence of both parties.



Y. J. MLYAMBNA
JUDGE
25/11/2021