

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

MUSOMA SUB REGISTRY

AT MUSOMA

MISC. LAND APPLICATION NO 105 OF 2021

(Arising from Land Application No 45 of 2020 of the High Court of Tanzania at Musoma)

AROBOGAST JOSEPH APPLICANT

VERSUS

SEREKA MASHAURI1ST RESPONDENT

FRANCIS SALILO 2ND RESPONDENT

MAJURA MMUGETA 3RD RESPONDENT

RULING

25th & 25th May, 2022

F. H. Mahimbali, J.:

In this application, the applicant is applying for extension of time for file application for bill of costs out of time in respect of Land Appeal No 45 of 2020.

The main reasons as to why this application is preferred out of time, the applicant through Ms. Maura Tweve deponed that there are mainly two reasons.

One, that after the verdict in Land Appeal no 45 of 2020, the respondent lodged notice of appeal to Court of Appeal expressing his dissatisfaction with the decision of the High court.

Two, following the verdict in Misc. Land Application No 16 of 2021 seeking leave to go to CAT, the High Court struck out the said application for being incompetent. That was on 12th November, 2021. This application for extension of time was then filed on 9th December 2021 explaining that between Mid-November, 2021 to 8th December 2021, the applicant was sick. He provided receipts accounting for his sickness.

In consideration that sickness is one of good grounds for extension of time for such an application, I have no good reasons in the circumstances of this case not to grant application. As the said application stands not opposed and has been heard *exparte*, I am satisfied that the application is meritorious.

Since to refuse or grant such an application is purely court's discretion, the same must be exercised judiciously (See the case of **Mbogo vs Shah** (1968) EA).

In the current case I am satisfied that the applicant has been able to account why he is seeking for an extension of time to file an

application of bill costs. As the said appeal was dismissed with an order of costs, and that thereafter there were attempts to go to court of Appeal by the respondent, the filing of this application now suffices good explanations.

The same is hereby granted. The applicant is to file his bill of costs application within 60 days as by law provided from today.

Each party shall bear its own costs.



F. H. Mahimbali

Judge

17/12/2021