

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(MWANZA SUB-REGISTRY)**

**AT MWANZA**

**MISC. CIVIL APPLICATION NO. 72 OF 2021**

**(Arising from the Civil Appeal No.30 of 2020 Originating from Civil Case No.95 of 2019 before the Primary Court of Geita at Katoro)**

**EDWARD SAMSON..... APPLICANT**

**VERSUS**

**ABEL ALEX..... RESPONDENT**

**RULING**

**5<sup>th</sup> July, 2022**

**DYANSOBERA, J:**

This is an application for extension of time in which to appeal against the decision of the District Court of Geita at Geita in Civil Appeal No.30 of 2020 which owes its origin from Civil Case No 95 of 2019 before the Primary Court of Geita at Katoro. The applicant is moving this court under section 25(1)(b) Of Magistrate Courts Act, Cap 11 R.E 2019 and rule 3 of the Civil Procedure (Appeals in Proceedings Originating in Primary Courts) Rules G.N No. 312 of 1964). The application has been supported by his affidavit sworn on 29<sup>th</sup> April 2021.

The application was set for hearing on 17<sup>th</sup> day of February,2022 both parties were absent. The matter was adjourned to 18<sup>th</sup> May, 2022 also both parties were absent without notice. Today 5<sup>th</sup> May 2022 when the matter came for hearing, the applicant as usual defaulted appearance. While the Respondent was present in person.

In view of the fact this case the applicant has failed to prosecute his application, I see no ground for further adjournment, adjournment must be a last resort of the court and should only be granted where only good reasons have been assigned by a party to the case. Our practice is to discourage as stated in the case of **Ezekiel E. Chenge v Adam Kaita**, High Court Civil Case No. 40 of 1998 at Mwanza(unreported) that litigations like life must have an end, prolonged litigations waste time, money, moral energy etc.

Besides, scheduling the case for hearing is one of the case management which is the mandate of a judge and parties to the case must abide by such orders. In **Ally Hussein Masunga v Msingwa Abdallah Kibuzi**, High Court Civil Appeal No 12 of 1986 at Tabora, this court emphasized that court orders in scheduling the hearing of matters in courts must be observed by parties otherwise court process will be rendered ridicule. I adopt that standing.

For the reasons stated, I dismiss this application for want of prosecution.

No order as to costs is made.

Order accordingly.



**W.P. Dyansobera**

**Judge**

**5.7.2022**