

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE DISTRICT REGISTRY OF SHINYANGA  
AT SHINYANGA**

**MISC. LABOUR APPLICATION NO. 40 OF 2020**

*(Emanating from Revision Application No 8 of 2018)*

**SAMWELI BULENGANIJA.....APPLICANT**

**VERSUS**

**SHERECU (1984) LTD .....RESPONDENT**

**RULING**

**MKWIZU, J:**

The Applicant filed an application for extension of time to file Leave to Appeal to the Court of Appeal out of time against the decision of this Court dated 12/7/2018 in Revision Application No. 8 of 2018. The Application was filed under Section 5(l)(c) and 11 (1) of the Appellate Jurisdiction Act, Cap. 141 [R.E. 2019] read together with Rule 45(a) of the Tanzania Court of Appeal Rules, 2009 GN No. 368 of 2009 as amended. The Application is supported by an Affidavit of one Samweli Bulenganija the Applicant herein.

The application was heard *ex-parte* after a duly served Respondent failed to appear in court. At the hearing, applicant was in personal without legal representation. He implored the court to allow the application on the grounds that after the dismissal order by Mdemu J, on 30/3/2020 he went

on searching for a legal advice before he came back with the present application on 12/11/2020

I have prudently considered the applications and the applicants' submissions. To allow Application for extension of time the applicant is required to established sufficient cause for the delay. This is the rule, short of that the application must fail. Under paragraph 3 to 5 of the applicant's affidavit, the delay is associated by the dismissal of the application for leave technically known as a technical delay. As deposed in the affidavit after the ruling by Ebrahim J in Labour Revision no 8 of 2018, applicant filed a Notice of Appeal and an application for leave to appeal which was dismissed on 31/3/2020 by Mdemu J. This indicates that from 12/7/2019 to 31/3/2020 Applicant was not idle, he was in court pursuing his rights. There is no doubt about that.

However, in an application of this nature, general explanation is not needed, the law requires that each day of the delay must be accounted for. The applicant ought to have explained why it took him almost eight months from 31/3/2020 to 12/11/2020 to file this application for extension of time. His affidavit in support of the application is silent. Nonetheless, during hearing he submitted that after Mdemu J's decision on 31/3/2020,

he went into the process of searching a lawyer before filing this application in court. This explanation is too general. It lacks details on when exactly he started the move of looking for a lawyer, where the search was, how and when exactly he found one before the filing of the same.

In **Barclays Bank Tanzania Ltd Versus Phylician Hussein Mcheni;** Civil Application No 176 of 2015 Court of Appeal of Tanzania at Dar es Salaam (Unreported) listed ***length and reasons*** of the delay among others as factors to be considered in an application for extension of time. In this application, though the applicant has managed to account for the delay from the 12/7/2019 to 31/3/2020; the length of the delay that is the eight (8) months period between the dismissal order by Mdemu J to the filing of this application is immoderate and the reasons given are not convincing to warrant the granting of the application.

Consequently, the application is dismissed. No order as to costs.



  
**E.Y. Mkwizu**

**Judge**

**8/4/2022**

