

**IN THE HIGH COURT OF TANZANIA**  
**(DAR ES SALAAM DISTRICT REGISTRY)**  
**AT DAR ES SALAAM**

**MISCELLANEOUS LAND APPLICATION NO.3 OF 2022**

*(Originating from the High Court of Tanzania Dar es Salaam in District Registry at Dar es Salaam land application No. 9/2020 which was also originated from Judgment and Decree of District Housing and Land Tribunal for Kilosa at Kilosa in Land Appeal No. 100 of 2018)*

**GEREAD LETEMA .....APPLICANT**

**VERSUS**

**JOHNSON KASALULA.....RESPONDENT**

**RULING**

**MRUMA,J.**

This is an application for leave to file a notice of appeal out of time. The application is pegged under section 11(1) of the Appellate Jurisdiction Act [cap 141 RE 2019] and as is the practice it is supported by the affidavit sworn by the Applicant Geread Letema.

Appeals from the High Court to the Court of Appeal are governed by the provisions of Rule 83(2) of the Court of Appeal Rules which requires notice to be lodged within 30 days of the date of the decision against which it is desired to appeal.

In the case at hand the impugned judgment was handed down on 26<sup>th</sup> November 2021 and this application was presented for filing on 28 January 2022 which is a period of over 60 day after the impugned

Judgment was handed down. The only reason stated in the supporting affidavit is that immediately after the judgment the Applicant faced family problems which placed him in a difficult financial position. He did not expound what were those problems but in his oral submissions he has said that his children were sick and he attended them but taking them to traditional healers.

I have carefully considered this ground and have come to a conclusion that this cannot be accepted as being sufficient cause to warrant the court to extend time for the following reasons: First attending traditional healers has not been substantiated either by affidavit of the traditional healer or any medical chits showing that the Applicant had a sick child which was being attended by such healer. Secondly if courts allow such reason as being sufficient or reasonable cause it may open a pandora box for persons with no reason at all to use it as ground for seeking extension of time.

For those reasons and without wasting more time of the court and the Applicant, I dismiss the application. Because the Respondent did not appear. I make no orders as to costs.

  
A. R. Mruma

**Judge**

**21/3/2022**

**COURT:**

Pronounced in court in presence of the Applicant but in absence of the Respondent this 21<sup>st</sup> day of March 2022

R.A. Explained.



A. R. Mruma

**Judge**

**21/3/2022**