

IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF MTWARA)

AT MTWARA

MISC. CIVIL APPLICATION NO.29 OF 2021

*(Originating from Civil Case No.8 of 2017 from Tandahimba District Court at
Tandahimba)*

WAKULIMA AMCOS 1ST APPLICANT
RADHIA HAIFAI 2ND APPLICANT
MOHAMED R. LIYAME 3RD APPLICANT

VERSUS

DANIEL ISANZU..... RESPONDENT

Date of hearing: 11/05/2022

Date of Ruling: 19/07/2022

RULING

MURUKE, J.

Present application for extension of time originated from Civil Case number 8 of 2017 from district court of Tandahimba at Tandahimba. Applicant filed present application on 6th October 2021 for extension of time to file appeal to challenge decision dated 9th May 2018, being after three years.

After several adjournment at the instance of applicants, matter was set for hearing today. Despite this court order, neither the applicants nor their advocate is present today. This is not health for administration of justice. Court orders must be respected and adhered to. Noncompliance of court orders, not only is a disrespect but create chaos on entire administration of

justice. This cannot be left to continue in courts of law. It seems applicants are not ready to prosecute their own case filed by advocate Pili S. Omary of TANECU SLP 65 Tandahimba.

Legally, nonappearance is sign of failure to prosecute. This position was well elaborated by the Court of Appeal in the case of **P3525 LT Idahya Maganga Gregory Vs. The Judge Advocate General, Court Martial Criminal Appeal No. 2 of 2002**(unreported) the Court held: -

*“It is now settled in our jurisprudence that the practice of filing written submissions is tantamount to a hearing and; therefore, failure to file the submission as ordered is equivalent to **non- appearance** at a hearing or **want of prosecution**. The attendant consequences of failure to file written submissions are similar to those of **failure to appear and prosecute or defend**, as the case may be.....”*

To this court, whoever knocks the door of this court must be ready to prosecute, or suffer the consequences. Thus Misc. Civil Application No. 29 of 2021 is dismissed for want of prosecutions.



[Signature]
Z. G. Muruke

Judge

19/07/2022

Ruling Delivered in the presence of Steven L. Lekey for the Respondent and in the Absence of Applicants.



[Signature]
Z.G. Muruke

Judge

19/07/2022