

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(TEMEKE HIGH COURT SUB-REGISTRY)
(ONE STOP JUDICIAL CENTRE)**

AT TEMEKE

MISC. CIVIL APPLICATION NO. 37 OF 2022

(Arising from Matrimonial Appeal No. 93 of 2021 Temeke District Court before Hon. A.S. Rweikiza – RM, original Matrimonial Cause No. 76 of 2020 Temeke Primary Court before Hon. H. Maira)

PETER LEOPORD KAPUNGILA APPLICANT

VERSUS

SHEILA A. MILANZI RESPONDENT

RULING

31/08/2022 & 14/09/2022

I.C. MUGETA, J

The applicant is aggrieved by the decision of the lower court in Matrimonial Appeal No. 93/2021. The decision was delivered on 03/06/2021. According to paragraphs 5, and 6 of the affidavit, the applicant fell sick after delivery of the judgment and was finally admitted to hospital and discharged on 14/09/2021. Then he engaged an advocate leading to the filing of this application on 01/07/2022.

In deciding this case I shall not consider the contents of the counter affidavit because the applicant is supposed to account for each day of the delay.

Assuming, without agreeing, that the applicant fell sick up to 14/09/2021, the period between that date and 1/07/2022 when this case was filed is unaccounted for.

Since the applicant was supposed to account for each day of the delay, which he has not managed to do, I find the application without merits. I dismiss it with costs.



I.C. Mugeta
I.C. MUGETA

JUDGE

14/09/2022

Court: - Ruling delivered in chambers in the presence of the respondent and in the absence of the applicant.

Sgd: I.C. MUGETA

JUDGE

14/09/2022