

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(ARUSHA DISTRICT REGISTRY)**

AT ARUSHA

MISC. CIVIL APPLICATION NO. 39 OF 2022

(C/F High Court of Tanzania Land Case No. 29 of 2016)

JANE OLEVOLOS.....APPLICANT

VERSUS

OLEVOLOS PROJECT INC. LIMITED..... RESPONDENT

RULING

16/09/2022 & 20/09/2022

GWAE, J

The applicant, Jane Olevolos brought this application before the court under section 14 (1) of the Law of Limitation Act Cap 89 R.E 2019. The applicant is seeking an enlargement of time within which he can be able to file an application for bill of costs out of the prescribed period in relation to the decision in Land Case No. 29 of 2016 delivered by this court on 7th May 2021.

This application is supported by a sworn affidavit of one Neema Oscar, the learned advocate and the main reason for the applicant for failing to file the intended application being a delay to obtain the certified

copies of judgment, decree and proceedings. The applicant's application was not contested by the respondent.

When the matter was called on for hearing before me, the applicant was duly represented by Ms. Neema Oscar, the learned counsel whilst the respondent was represented by advocate Fredrick Lucas. Equally, the respondent's counsel promptly expressed to have no intention to object the application.

Despite the fact that, this application is not contested, yet, the court is bound to ascertain if this application is praiseworthy or not as it cannot be taken into guaranteed this application is grantable merely because it is not challenged. The law is settled that, applications for extension of time will only be granted if applicants show good cause to warrant the court to appropriately exercise its discretion to extend time. It is also settled law that, in applications of this nature, the applicant is always under obligation to show good cause by accounting for each and every day of the delay.

Given the above position of the settled law and the facts deposed in the applicant's affidavit this court is of the view that the cause of delay is justified by the provisions of section 19 (2) of the Law of Limitation Act where it is provided that;


"In computing the period of limitation prescribed for an appeal, an application for leave to appeal, or an application for review of judgment, the day on which the judgment complained of was delivered, and the period of time requisite for obtaining a copy of the decree or order appealed from or sought to be reviewed, shall be excluded."

From the above quoted provision of the law, it is apparently clear that, the period from when the applicant had requested for the certified copies (15th June 2021) and the time when he was actually supplied with the same that is 17th March 2022 are to be statutorily excluded. Given the fact that, the applicant filed this application on 31st March 2022, 14 days immediately after being supplied with necessary documents. Therefore, the applicant's delay is found to be out of his control after all she was clothed with statutory exclusion

Consequently, this application is granted. The applicant is granted seven days to lodge his application for bill of costs within **seven (7)** days from the date of delivery of this ruling.

It is so ordered.




M. R. GWAE
JUDGE
20/09/2022