

IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF SHINYANGA

AT SHINYANGA

MISC. CIVIL APPLICATION No. 17 OF 2022

*(Arising from the Judgment and Decree of the Civil Case No. 26/2019 of the
Resident Magistrate Court of Shinyanga, dated 2nd December, 2021)*

CLEMENT MAZIKU.....APPLICANT

VERSUS

CANIZIO LIMBE.....RESPONDENT

RULING

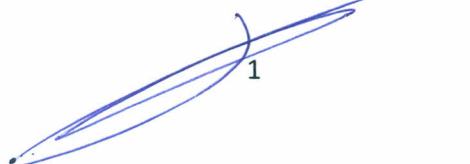
The applicant was sued in the Resident Magistrates Court whose judgment was delivered on 2/12/2021. Although the applicant was satisfied with the decision of the trial Court, he was aggrieved for having not granted costs of the case.

He could however not appeal within time hence this application for extension of time.

At the hearing of this application the applicant appeared in person while the Respondent was absent.

I heard this application exparte. The applicant argued that he could not appeal in time because he fell sick.

I find that this application is devoid of any merits because there is no sufficient proof to the effect that from the date of the impugned


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judgment up to 5th May, 2022 when this application was lodged, the applicant was indeed sick to the extent that he could not take all the necessary steps to appeal in time.

Even the annexed annexures to the affidavit indicates only that the applicant attended to hospital on 5/12/2021, 10/01/2022, 13/02/2022 and 02/04/2022.

In that respect the applicant was not sick throughout but on some days once per month.

But again from the last day he attended to hospital on 2/04/2022 there is no further evidence that he is on any medical administration up to the time when he filed this application a month later and even up to day.

He has thus failed to account for each day of the delay including the period between 02/04/2022 and 05/05/2022 when he filed this application, the period of which does not show any medical issue.

In that respect this application is dismissed for want of any merit.

As the respondent is absent, I award no costs.

It is so ordered.



A. MATUMA
JUDGE
29/09/2022