

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
MUSOMA DISTRICT REGISTRY**

**AT MUSOMA**

**MISC. LAND APPLICATION NO. 84 OF 2021**

**BETWEEN**

**WAMBURA MASABARI.....APPLICANT**

**VERSUS**

**RHOBI WAMBURA.....RESPONDENT**

**RULING**

*9<sup>th</sup> & 9<sup>th</sup> May, 2022*

**A. A. MBAGWA J**

This is a ruling with regard to application for extension of time within which to file an application for Taxation of Bill of Costs.

The application stems from Land Appeal No. 39 of 2019 between Rhobi Wambura vs Wambura Masabari in which this Court (Kahyoza J) awarded the applicant, Wambura Masabari costs of the case.

Consequently, the applicant timely filed Bill of Costs No. 7 of 2021. However, the same was struck out by Hon. M. A. Moyo - DR on 28/06/2021 for being incompetent. The reason for incompetency was that the Bill of Costs was prepared by the applicant himself contrary to rule 55 (4) of the Advocates Remuneration Order GN. 263 of 2015.

As such, the applicant is determined to bring a fresh Bills of Costs but he found himself out of prescribed time hence this application.

The application was heard *ex parte* following the respondent's failure to file counter affidavit and non-appearance on the hearing day.

In his affidavit, the applicant pleads striking out of the Bill of Costs No. 7 of 2021 as a main cause of delay. He further states that the said Bill of Costs No. 7 of 2021 was filed within time.

I have heard the applicant's submission and thereafter gone through his affidavit. In nut shell, the applicant's reason for delay is what is known as technical delay. Undeniably, technical delay is now a good ground for extension of time. See the case of **Yara Tanzania Limited Vs. Db Shapriya & Co. Limited**, Civil Application NO. 498/16 OF 2016, CAT at Dar es Salaam.

Having gone through the applicant's deposition, I am of the considered findings that the applicant has demonstrated a sufficient cause for this Court to grant extension of time. I therefore find the application meritorious and accordingly I allow it.

The applicant is therefore given thirty (30) days from the date of this order to file an application for taxation. No order as to costs.

It is so ordered

The right of appeal is explained.



  
**A. A. Mbagwa**

**JUDGE**

**09/05/2022**

Court: The ruling has been delivered in the presence of the applicant and in absence of the respondent this 9<sup>th</sup> day of May, 2022.

  
**A. A. Mbagwa**

**JUDGE**

**09/05/2022**