

**IN THE HIGH COURT OF TANZANIA
AT DAR ES SALAAM
MISC. CIVIL APPLICATION NO. 307/2019**

CATHERINE MWANGANGI.....APPLICANT

VERSUS

JOSEPH MWITA.....RESPONDENT

RULING

5/11/2021 & 21/1/2022

E.B. LUVANDA, J

The applicant above mentioned is seeking for an order for extension of time within which to file a review out of time from the decision of this Court dated 19/7/2018. In the affidavit in support of the chamber summons, the applicant deposed that she was involved in a Misc. (sic, Civil) Application No. 629/2017 which its decision was delivered on 19/7/2018. That after obtaining a copy of judgment (sic, ruling) she filed a review on 17/8/2018, it was registered as Civil Review No. 22/2018 which was struck out on 27/5/2019. That when envisioned for re-filing the review she realized that time to file review has lapsed, hence this application.

It is to be noted that the impugned ruling in Misc. Civil Application No. 629/2017 delivered on 19/7/2018 was dismissed on account that the applicant had failed to account for every day of delay in seeking for extension of time being from 11/9/2017 when she obtained the necessary

documents to 11/10/2017 when she filed an application for extension of time, almost after elapse of thirty days. Herein, the applicant did not explain the delay from 27/5/2019 when the first review to wit Civil Review No. 22/2018 was struck out, up to 12/6/2019 when she filed this application. The rule is that delay even a single day, has to be accounted for, see **Vodacom Foundation vs Commissioner General (TRA)**, Civil Application No. 107/20 of 2017, Court of Appeal of Tanzania sitting at Dar es Salaam. Therefore, the unexplained delay of sixteen (16) days, at any rate is inexcusable and amount to laxity. My undertaking is grounded on the premises that the first application was dismissed on similar reasons, now I wonder as to why the applicant fall under the same trap. This is because the application was crafted under *gratis* by the same drawer to wit Tanzania Women Lawyers Association who drafted the erstwhile application, meaning that it was a matter of copy and paste with minor modification or alteration. For another thing, a copy of ruling in Civil Review No. 22/2018 was not attached to this application, meaning there is no justification whatsoever for the said delay.

The application is dismissed. I make no order for costs, as the applicant was under *gratis*.

E.B. Luvanda

Judge

17/1/2022