

IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

MISC LAND APPLICATION NO. 816 OF 2018

HIDAYA OMARY APPLICANT

VERSUS

REHEMA MAMLAY RESPONDENT

RULING

Date of Last Order: 12/09/2019

Date of Ruling: 20/09/2019

MALLABA, J

The applicant herein, **Hidaya Omary**, applies for extension of time within which to file an application for review, with respect to the decision of this court in Miscellaneous Land Application No. 536 of 2016. The application has been made by way of Chamber Summons supported by an Affidavit of the applicant herself.

The applicant submitted that, decision in the matter sought to be reviewed was given on 09/05/2017. On 29/05/2018, she filed an application for review, through Land Review No. 316 of 2018 in this court, which was ultimately struck-out on 23/10/2018 for being time barred. The applicant claims that, she was overwhelmed by issues surrounding the matter such that she overlooked the requirement of first applying for extension of time before applying for review. She claims that, being a layperson, is a good ground for extension of time in the circumstances. She also contended that, she has overwhelming chances of success.

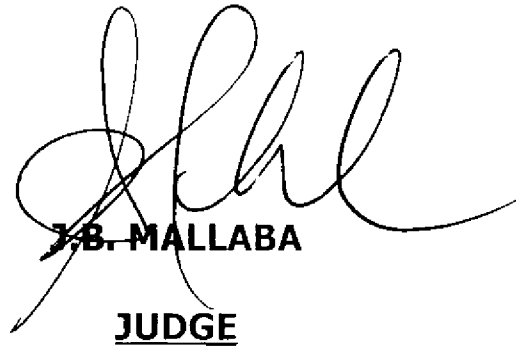
On the other hand, the respondent submitted that, the applicant has not shown good and sufficient reasons to deserve an extension of time. The applicant has failed to account for everyday of delay. Overwhelming chances of success ought not be a reason for extension of time. The learned counsel cited the case of **Ngao Godwin Losero Vs. Julius Mwarabu**, Civil Appeal No. 10 of 2015, where it was stated that, being a layperson is not an excuse.

In rejoinder submissions, the applicant added that, the advocate for the applicant died, and the applicant did not know what to do.

The decision was on 09/05/2017. The first step she took was on 29/05/2018, when she filed the application for review. The duration of over one year has not been sufficiently accounted for. This court agrees with the respondent's submission that, the applicant's advocate dying and the applicant not knowing what to do, is not a story worth of believing. The applicant couldn't have stayed bewildered for over a year. In any case, she does not sufficiently account for the delay for over a year. As stated in the case that was cited by the respondent, **Ngao Godwin Losero Vs. Julius Mwarabu** (supra), being a layperson is not supposed to be an excuse for delay in taking an appropriate step. If it was to be a reason, every person would certainly plead it whenever he delays taking any step. Also, this court agrees with the respondent that, overwhelming chances of success, where the respective error is not on the face of the record, may not be a ground for extension of time. Evaluation of that ground may likely force the court to go into the merits of the intended review.

In all, the applicant has not shown good and sufficient reasons to deserve an extension of time. Accordingly, the application for extension of time within which to apply for review fails. The application is accordingly dismissed with costs.

It is ordered accordingly.



J.B. MALLABA
JUDGE

20/09/2019