

**IN THE HIGH COURT OF TANZANIA  
(LAND DIVISION)  
AT DAR ES SALAAM**

**MISC. LAND APPLICATION NO. 127 OF 2022**

*(Arising from the decision of District Land and Housing Tribunal for Ilala in application for execution No. 569 of 2020 Hon. Kirumbi- Chairperson)*

**OMARI RAMADHANI JAMBIA..... APPLICANT**

**VERSUS**

**JAFARI SHOO/MWAKADI..... RESPONDENT**

*Date of last order: 22/9/2022*

*Date of ruling: 17/10/2022*

**RULING**

**KADILU, J.**

On the 25<sup>th</sup> day of March 2022, the applicant lodged an application in this court by way of chamber summons under Section 14(1) of the Law of Limitation Act [CAP 89 R.E 2019], for the following orders:

- i. That this Honourable Court be pleased to allow the applicant extension of time to file revision out of time.*
- ii. Costs of this application be provided for.*
- iii. Any other relief(s) this Honourable Court may deem fit to grant.*

The application is supported by an affidavit affirmed by the applicant herein. The applicant appeared in person; he had no legal representation while the respondent was represented by Mr. Lutufyo Mvumbalu learned

advocate. This court ordered the application to be disposed by way of written submissions.

The applicant urged the court to grant him an extension of time to file revision against the ruling of the District Land and Housing Tribunal for Ilala (the DLHT) in land application No. 569 of 2020. The said ruling was delivered on 26<sup>th</sup> February 2021 and on 1/3/2021 the applicant requested to be supplied with the said ruling, but according to the applicant it was not until 2/7/2021 when the same was availed to the him.

The applicant submitted further that on 19<sup>th</sup> July 2021, he lodged an application before this court for extension of time which was registered as Misc. Land Application No. 355 of 2021 but, the same was struck out for being incompetent on 28<sup>th</sup> February 2022. Hence the applicant was of the view that failure to lodge the application in time was attributed by the fact that he was prosecuting application No. 355 of 2021. Hence, he prayed for the court to grant the application.

The respondent was not pleased with the applicant's application. He opposed it stating that there is no reason advanced by the applicant to have the court exercise its discretion. According to the respondent, the applicant has not accounted for reasons of delay from the date when his

former application was struck out until the date when he re-instituted the present application.

The respondent therefore contended that the applicant was required to account for each day of the delay. To fortify his stance, the respondent referred to the decision of the Court of Appeal in **Mohamed Salum Ghona v Mohamoud Mwemus Chotikungu, Civil Application No. 179/01 of 2020**. He submitted further that, the applicant's initial application No. 355 of 2021 was struck out by this court on 28<sup>th</sup> February 2022 while the present application was filed on 25<sup>th</sup> March 2022 without stating in his affidavit what prevented him from filing the application immediately after the said application was struck out.

He therefore prayed for this application to be dismissed with costs. The applicant opted not to file rejoinder to his submission to counter the respondent's reply to the submission. Having gone through the submissions of the parties, rival and in support of the application the fundamental issue for my consideration is whether the applicant has adduced sufficient reasons for the court to exercise its discretion for extension of time.

As stated before, in this application the applicant prays for extension of time within which to file revision against the ruling of the DLHT in execution No. 569 of 2021 whose ruling was delivered on 26<sup>th</sup> February 2021. Hence, as the applicant was aggrieved by that decision, he was required to lodge the intended revision to this court within 60 days. Being unable to file the same in time, he is required to show sufficient reasons for extension of time.

It is a trite law that in an application for extension of time like the present one, the applicant must show good cause for failing to do what was supposed to be done within the prescribed time. There are decisions both of this court as well as the Court of Appeal of Tanzania which require good cause to be shown before the Court can exercise its powers for extension of time. They include, **Abdallah Salanga & 63 Others v. Tanzania Harbours Authority**, Civil Reference No. 08 of 2003 and **Sebastian Ndaula v. Grace Rwamafa**, Civil Application no. 4 of 2014 (both unreported).

What constitutes sufficient cause depends on the circumstance of each case. Let me now turn to determine the reason advanced by the applicant. Immediately after delivery of the decision of the DLHT on 26<sup>th</sup> February

2021, the applicant requested for a copy of the said decision. I have seen the letter to the effect which was received before the DLHT on 1/3/2021. The said copy was certified and supplied to the applicant on 2/7/2021 and he proceeded to lodge Application No. 355 of 2021 before this court.

The applicant's earlier application was struck out on 28<sup>th</sup> February 2022 for being incompetent and therefore he preferred the present application which was lodged in court on 25<sup>th</sup> March 2022. There are 25 days from the date the earlier application was struck out to the date the present application was filed. The affidavit in support of the application is conspicuously silent on what transpired during that period. The applicant did not even bother to file rejoinder to say something on what happened through that period.

Even if I were to exclude the period spent in prosecuting Application No. 355 of 2021, the applicant was duty bound to say something on the 25 days that were lapsed. As correctly submitted by the respondent, the applicant was required to account on each day of the delay. I must add that delay of even a single day has to be strictly accounted. The need to account on each day of the delay was underscored in a number of decisions such as **Ludger Bernard Nyoni v. National Housing**

**Corporation**, Civil Application No. 372/01 of 2018 and **Mpoki Lutengano Mwakabuta v. Jane Jonathan** (*As Legal Representative of the Late Simon Mperasoka- Deceased*), Civil Application No. 566/01 of 2018 (both unreported).

As for instance in the former case, the Court stated that:

*"It is settled that in an application for enlargement of time, the applicant has to account for every day of the delay involved and that failure to do so would result in the dismissal of the application"*

As the applicant has not been able to discharge the duty of accounting on each day of the delay from the date his earlier application was struck out to the date he lodged the present application, the court hesitates to exercise its discretion for extension of time. It is for the foregoing reason that I hold the application lacks merit and it is hereby dismissed with costs.





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KADILU J

**JUDGE**

17/10/2022

**17/10/2022**

Coram: Hon. A. Chugulu, DR

For the applicant: present in person

For the respondent: present in person

RMA: Christina

**COURT:** Ruling delivered this on 17<sup>th</sup> day of October, 2022 in the presence of applicant and respondent who appeared in person.



**A. Chugulu**  
**DEPUTY REGISTRAR**  
**17/10/2022**