

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
LABOUR DIVISION
AT DAR ES SALAAM**

MISCELLANEOUS LABOUR APPLICATION NO. 195 OF 2023

BETWEEN

ST. JOSEPH UNIVERSITY IN TANZANIA APPLICANT

VERSUS

JAQUELINE STANLEY AND ANOTHER RESPONDENTS

RULING

Date of last Order: 21/08/2023

Date of Ruling: 12/09/2023

MLYAMBINA, J.

It is an elementary principle of law deduced from case law that in an application for extension of time, delay of even a single day has to be accounted for otherwise there would be no point of having rules prescribing periods within which certain steps have to be taken. Such principle is vivid in among other case law, the case of **Hassan Bushiri v. Latifa Lukio Mashayo**, Civil Application No. 3 of 2007 as cited in the case of **Tanzania Fish Processors Ltd v. Eusto K. Ntagalinda**, Civil Application No. 41/08 of 2018 Court of Appeal of Tanzania at Mwanza (unreported).

In this application, the Applicant is seeking for extension of time to make review out of time of the ruling for the *Misc. Application No. 249 of*

2022. It is in record through the affidavit of Counsel Florentina Ninah that the impugned decision is dated 10/10/2022 and 11/11/2022.

Further, the following facts are uncontested. *One*, the Respondent made an application for restoration of the *Execution application No. 547 of 2020* that was dismissed for non appearance of party on the 8th July, 2021 before Hon. Deputy Registrar Ngh'umbu.

Two, the Applicant's *application for restoration No. 249 of 2022* was made and filed before this Court on 29th June, 2022. *Three*, the Applicant/Respondent raised preliminary objections on the points of law including the point that the *application No. 249 of 2022* was time barred.

Four, the applicant's application for restoration was ruled in his favour. *Five*, the application was delayed for a total of 361 days from the date of the dismissal order on the 8th July, 2021 whereas the Applicant had neither accounted for the days of delay nor shown good cause for the delay.

Six, the Applicant being dissatisfied with the decision in *Misc. Application No. 525 of 2022*, applied for extension of time to file an application for reference out of time of which was withdrawn on 28th March, 2023 in order to file a proper application.

The records indicates that this application was filed on 4th July, 2023. After going through the entire affidavit in support of the application, I found

none of the paragraphs accounting for the delay from 28th March, 2023 up to 4th July, 2023. That is the period of not less than 98 days.

It is the findings of this Court that the Applicant miserably failed to convince this Court to extend time for failure to account for the delay.

In the circumstances, the application is dismissed for lack of merits.



Y.J. MLYAMBINA
JUDGE
12/09/2023

Ruling delivered this 12th September, 2023 in the absence of both parties.



Y.J. MLYAMBINA
JUDGE
12/09/2023