

TANZANIA / JUDGMENT

19980619 TZHC Dar es Salaam

COURT
TZHCDECIDED
19 June 1998

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IN THE HIGH COURT OF TANZANIA, AT DAR ES SALAAM, 13 JUNE 1998. V. SRSTJS LILLI. N. Ict. YOHT: LO ... o ... ~ ... ;, ... o ... o ... , .l<BSPONOEN1'

RULING

nunE.ZiU 't JO Mrs Gr-i.ma, learned counsel for the applicant hM filed this application seeking; extension of time within which to file the memorandum of appeal. There are two affidavits one by the applicant and the other deposed to by Mrs Gama for the applicant. According to Mrs Gama, the delay to file the appeal was caused by her client's absence from the country. That the applicant had travelled to China to attend a meeting, and in absence of her client she had no instructions to proceed with lodgement of the appeal of the appeal. Mrs Gama submitted that annexures D 2 in particular, which did not form part of her affidavit, be examined by this court. That this will show that her client was out of this country at the relevant period. Counsel Gama also submitted that (delay to file the appeal was caused by previous counsel who handled the matter in particular the illness of the applicant's sick mother and eventual death. Mrs Kato for the respondent did not appear. She submitted that, good cause has been advanced by the delay. That counsel for the applicant has not told the court, that prevented the applicant to file the appeal on 15/12/95 when the ruling in the appeal was given to that effect. The respondent's evidence was delivered, I have had time to study this matter. In particular in annexure 1C 0 collectively attached. The applicants' affidavit from annexure 1C 1 indicates that the applicant visited China on diverse dates, the last exit being 15/10/95. There is another stamp by the Immigration Officer marked with the date 14/10/95. I am not sure whether this is the re-entry date or not. Assuming that it was, and there is no other subsequent dates, then the applicant came back on 24/10/95; well before 15/12/95 when their application was dismissed. That nothing has been done from 15/12/95 to date is not explained sufficiently by either the plaintiff's or the submissions. Mrs Gama has tried to move this court in favour of her submissions but I am afraid her efforts are not backed up with sufficient documentary evidence. I, therefore, dismiss the application with costs. Delivered before Mrs Gama and in the JUDGE absence of Mrs Kato 19/6/1998.

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Prepared on 24 October 2026 · Esheria