

**IN THE COURT OF APPEAL OF TANZANIA
AT ARUSHA**

CIVIL APPLICATION NO. 15 OF 2014

**MARIAM IDD (As an Administratrix of
The Estate of Late MBARAKA OMARI).....APPLICANT**

VERSUS

**1. ABDULRAZACK OMARY LAIZER
(As Administrator of the Estate of
The Late ABUBAKAR OMARI) }
2. RODRICK HUMPHREY JONAS }RESPONDENTS**

.....
**(An appeal from the Judgment and decree of the High Court of Tanzania
at Arusha)**

(Nyerere, J.)

**Dated the 12th July, 2012
in
Civil Case No. 1B of 1992**

.....
RULING

10th & 10th September, 2014

MMILLA, J.A.:

This application has been brought by Mariam Idd (As an Administratrix of the Estate of the late Baraka Omari). It is based on Rules 10 and 84 (1) of the Tanzania Court of Appeal Rules, 2009 (the Rules). It is seeking this Court's indulgence to extend time within which to serve the respondents with a notice of appeal against the decision of High Court in Civil Case No. 1 B of 1992. The application is supported by an affidavit sworn by the applicant's learned advocate Mr. Kelvin Edward Kwagilwa, also a supplementary affidavit sworn by Talita Kayuri, a Registry Officer of the High Court here at Arusha.

The reasons for the delay are reflected in both, the notice of motion and the said affidavits in support of the application, to wit that the delay was occasioned by failure of the Deputy Registrar of the High Court at Arusha to endorse the notice of appeal to pave way for the applicant to serve it to the respondents.

Vide a letter to the Registrar dated 27th June, 2014, Mr. Abdul G. Kitururu, learned advocate for the respondents informed the Court that the respondents did not intend to contest the application.

In view of that development, this Court grants the application. Time is hereby extended in which the applicant may serve the notice of appeal to the respondents. The same to be served within a period of 14 days from the date of this ruling.

Each party to bear own costs.

DATED at **ARUSHA** this 10th day of September, 2014.

B. M. MMILLA
JUSTICE OF APPEAL

I certify that this is a true copy of the original.


E.Y. MKWIZU
DEPUTY REGISTRAR
COURT OF APPEAL