

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**IN THE DISTRICT REGISTRY OF ARUSHA**

**AT ARUSHA**

**MISC. CIVIL APPLICATION NO. 41 OF 2022**

**(C/F Land Appeal No. 25 of 2020 in the High Court of Arusha at Arusha, Originating from  
Land Application No. 31 of 2017 in the District Land and Housing Tribunal for Karatu)**

**PETRO META SLAA.....APPLICANT**

**VERSUS**

**JOHN EMANUEL GADIE.....RESPONDENT**

**RULING**

**20/07/2022 & 20/07/2022**

**GWAE, J**

The applicant filed an application before this court under the provisions of section 14 of the Law of Limitation Act Cap 89 R.E 2019, section 11 (1) of the Appellate Jurisdiction Act, Cap 141 R.E 2019 and section 47 (2) of the Land Disputes Courts Act, Cap 216 R.E 2019. The applicant is seeking for enlargement of time within which the applicant can file an application for leave to appeal to the Court of Appeal of Tanzania against Judgment and decree in Land Appeal No. 25 of 2020 before the High Court of the United Republic of Tanzania.

The application is supported by the affidavit of the applicant and the main reason being delay to obtain the copies of judgment, decree and proceedings. The application was not contested by the respondent.

When the matter was called for hearing, the parties appeared in person, unrepresented, and the respondent did not object the application.

The law is settled that applications for extension of time will only be allowed if an applicant has shown good cause to warrant the Court exercise its discretion. It is also settled law that in applications of this nature, an applicant must show good cause by accounting for each and every day of the delay.

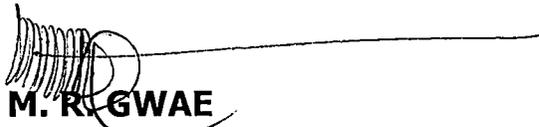
Given the above position of the settled law and the facts deponed in the applicant's affidavit this court is of the view that the cause of delay is justified by the provisions of section 19 (2) of the Law of Limitation Act where it is provided that;

*"In computing the period of limitation prescribed for an appeal, an application for leave to appeal, or an application for review of judgment, the day on which the judgment complained of was delivered, and the period of time requisite for obtaining a copy of the decree or order appealed from or sought to be reviewed, shall be excluded."*

From the above quoted provision of the law, it is apparent that the time spent in obtaining such copies are to be excluded. Given the fact that the applicant delay is out of his control and for the interest of justice this application is granted. The applicant is to lodge his application for leave within ten (10) days from the date of delivery of this ruling.

It is so ordered.



  
**M. R. GWAE**  
**JUDGE**  
**20/07/2022**