

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

**IN THE DISTRICT REGISTRY OF ARUSHA**

**AT ARUSHA**

**MISC. LAND APPLICATION NO. 09 OF 2022**

(Originating from Land Application No. 6 of 2018 in the District Land and Housing Tribunal  
for Karatu at Karatu)

**JOHN QAMUNGA.....1<sup>ST</sup> APPLICANT**

**EZEKIEL JOHN.....2<sup>ND</sup> APPLICANT**

**REGINALD QAMUNGA.....3<sup>RD</sup> APPLICANT**

**VERSUS**

**ERICA QAMUNGA.....RESPONDENT**

**RULING**

**12/04/2022 & 12/04/2022**

**GWAE, J**

Before me is an application for extension of time made under section 14 (1) of the Law of Limitation Act Cap 89, Revised Edition, 2019 (Act) seeking an indulgence of the Court to exercise its discretion to enlarge time so that the applicants can be able to file their appeal out of time against the judgment and decree in Land Application No. 6 of 2018 at Karatu District Land and Housing Tribunal. The application is supported by an affidavit deposed by John Qamunga the 1<sup>st</sup> applicant.

Brief facts of this application are best captured in the affidavit of the 1<sup>st</sup> applicant where the delay is stated to be caused by failure to obtain the copies of the judgment, decree and proceedings within time.

At the hearing, the parties appeared in person, unrepresented, the respondent, on the other hand, expressly stated that she does not object the applicants' 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 judiciously exercise its discretion to extend time. It is also settled law that in applications of this nature, applicant must show good cause as to his delay to appeal within the prescribed period by accounting for each and every day of the delay.

Given the above position of the settled law and the facts deponed in the 1<sup>st</sup> applicant's affidavit, I am therefore 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 apparently clear that the time spent by the applicants in obtaining such copies of decree and judgment are statutorily excluded and given the fact that, the applicants’ delay is of three days which is not inordinate. The applicants are to lodge their appeal within **fourteen** (14) days from the date of delivery of this ruling.

It is so ordered.



  
**M. R. GWAE**  
**JUDGE**  
**12/04/2022**