

IN THE HIGH COURT OF TANZANIA

(MAIN REGISTRY)

AT DAR ES SALAAM

MISC. CIVIL APPLICATION NO. 10 OF 2021

STANBIC BANK LIMITED.....APPLICANT

VERSUS

PAUL KIBUUKA.....1ST RESPONDENT

ADVOCATE ETHICS COMMITTEE.....2ND RESPONDENT

*(Application for extension of time to appeal from the decision of Advocates
Ethics Committee in application No. 6 of 2019)*

RULING

27 & 27 October, 2021

MGETTA, J:

When the application for extension of time to lodge an appeal to this court was called on for hearing, Ms Hamiss Nkya, the learned advocate appeared for the applicant, Stanbic Bank Limited; while, Mr. Ismail Bulembo, the learned advocate appeared for the 1st respondent, Paul Kibuuka. The 2nd respondent, Advocates Ethics Committee who is duly served did not show up. I continued to hear the application in absence of the 2nd respondent.

It was submitted by Ms Hamisa that there are sufficient grounds enshrined in the affidavit affirmed by herself showing that upon being dissatisfied with the decision made on 16/6/2020 by the 2nd respondent, the applicant lodged an appeal which was registered in the High Court – District

Registry as Civil Appeal No. 232 of 2020, instead of in the High Court – Main Registry as it was indicated on the title of the appeal documents. When that appeal was placed before Hon. J.L. Masabo, Judge, she observed that the appeal documents bear the name of High Court – Main Registry which suggested that the applicant had intended to file the appeal in the High Court, Main Registry, which is a proper forum to determine such appeal. But due to such confusion to which the court has a share to blame, Hon. Masabo found that the district registry was not a proper forum, and continued to strike out the appeal.

Before lodging the appeal before this main registry, the applicant found itself late, hence this application for extension of time to lodge it out of time. The delay to lodge an appeal within the prescribed period is attributed to technicality which the court registry should also be blamed.

In his response, Mr. Bulembo, the learned advocate for the 1st respondent had no objection. He conceded that there is sufficient reason advanced by the applicant's advocate warranting this court to grant an extension of time.

Admittedly, since the applicant has given sufficient reason, on my part I don't have objection. I accordingly grant the extension of time sought by the applicant.

In the event, the applicant is given thirty (30) days from today (27/10/2021) within which to lodge the petition of appeal before this court. For the circumstances of this application, I order each party to bear its own costs.

It is so ordered.

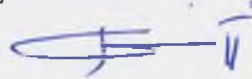
Dated at Dar es Salaam this 27th day of October, 2021.




J.S. MGETTA

JUDGE

COURT: This ruling is delivered today this 27th October, 2021 in the presence of Ms Hamisa Nkya, the learned advocate for the applicant and in the presence of Mr. Ismail Bulembo, the learned advocate for the 1st respondent, but in absence of the 2nd respondent who is dully served.



J.S. MGETTA

JUDGE

27/10/2021