

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

**CIVIL APPLICATION NO. 1 OF 2015**

**JOHN MAO .....APPLICANT**

**VERSUS**

**IBRAHIM DANIEL KIDIDI ..... RESPONDENT**

**(Application for revision against the judgment of the  
High Court of Tanzania at Arusha)**

**(Moshi, J.)**

**Dated 12<sup>th</sup> day of September, 2014**

**In**

**Misc. Land Application No. 12 of 2014**

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**RULING**

**2<sup>nd</sup> October, 2015**

**KILEO, J.A.:**

The applicant, John Mao lost in a matter that was decided in the District Land and Housing Tribunal for Manyara Region. The matter in the Tribunal was heard and decided exparte. Efforts to have the exparte decision set aside were futile. The applicant also lost his appeal against the Tribunal's decision in the High Court.

The application now before this Court is for extension of time to file an application for revision against the decision of the High Court. The Notice of Motion filed by the applicant is supported by the affidavit of the applicant. The main ground for the delay in filing the intended application as per Notice of Motion and affidavit is that there was a delay in being

supplied with copies of proceedings and judgment which the applicant needed for purposes of preparing the application for revision.

The applicant appeared and argued his application in person. The respondent was represented by Mr. John Umbulla, learned advocate, who had also filed an affidavit in reply. The application proceeded to hearing without written submissions having been filed after the Court had waived the requirement to file the written submissions in terms of Rule 106 (19).

Addressing the Court, the applicant asked that his Notice of Motion and affidavit be adopted. Mr. Umbulla, learned counsel for the respondent on the other hand strongly resisted the application on the grounds that no sufficient grounds have been given for the delay in making the application for extension of time. The learned counsel submitted that the applicant was not diligent enough in following up with the copies of proceedings and judgment. Submitting that that is not all, the learned counsel pointed out that the letter annexed to the affidavit in support of the applicant's case is not authentic as, in the first place it is dated 26/2/2014 a date when the decision in the matter against which the applicant is aggrieved had not been given. In the second place, the letter was not copied to the respondent.

In response to Mr. Umbulla's submission the applicant claimed that due to his unfailing health and distance it was not possible for him to make frequent follow-ups to his letter. On the authenticity of the letter he claimed that the letter was written by an advocate and he just signed it.

There is only one issue for determination in this matter and this is whether there are good reasons for granting the extension of time to file an application for revision.

The reason given by the applicant for the delay in filing the intended application was the delay in being supplied with copies of proceedings and judgment. In support of his contention he referred to his letter received by the Court on 17/09/2014. This is the letter that was doubled by Mr. Umbulla.

I have given the matter due consideration and having done so I agree with Mr. Umbulla that the authenticity of the letter (annexure "MAOD" to the applicant's affidavit) which the applicant relies upon to support his claim that there was a delay in being supplied with the necessary documents is questionable. As pointed out by Mr. Umbulla, the

letter is dated 26/2/2014, a date much earlier than the date when the decision aggrieved against was given. In fact, this date is much closer to the date of the decision of the District Land and Housing Tribunal which was 31/1/2014. Further still, the letter was not copied to the respondent. This might have been by design or otherwise, however it still remains that it was not copied to the respondent. Had it been copied, then its authenticity might have been ascertained.

In the absence of an authentic letter applying for copies of proceedings and judgment I find that no good reason has been given for granting the application for extension of time to apply for revision. In the event the application is dismissed with costs to the respondent.

**Dated at Arusha** this 2<sup>nd</sup> day of October, 2015.

E. A. KILEO  
**JUSTICE OF APPEAL**

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

  
E.Y. MKWIZU  
**DEPUTY REGISTRAR**  
**COURT OF APPEAL**