

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

CIVIL APPLICATION NO. 23 OF 2015

BULYANHULU GOLD MINEAPPLICANT

VERSUS

GEORGE ALLEN GWABO.....RESPONDENT

**(Application for an extension of time to file a notice of
appeal to the Court of Appeal from the decision of the
High Court of Tanzania (Labour Division) at Shinyanga)**

(Mipawa, J.)

**Dated 30th day of June, 2015
in
Civil Revision No. 48 of 2015**

RULING

MBAROUK, J.A.:

This is an application for extension of time made by way of notice of motion under Rule 10 of the Tanzania Court of Appeal Rules, 2009 (the Rules). The applicant prays for an extension of time to file a Notice of Address for Service. The application is supported by the affidavit of Yussuf Sheikh.

At the hearing of the application, the applicant was represented by Mr. Yussuf Sheikh, learned advocate, whereas, the applicant appeared in person, unrepresented.

Mr. Yussuf Sheikh prayed to adopt to his affidavit in support of the notice of motion for the reasons stated in paragraphs No. 6 and 7 of the affidavit. In those paragraphs, it is stated that after the respondent had filed his notice of appeal he had not received further instructions from his client that he should proceed to represent them, but immediately after receiving instructions they found they were late in filing the notice of address for service, hence they have filed this application promptly. For that reason, Mr. Yussuf prayed for their application to be granted as prayed. In support of his prayer and argument, he cited the decision of this Court in the case of **Standard Chartered Bank (Tanzania) Ltd V. BATA Shoes Company (T) Limited**, Civil Application No. 101 of 2006 (unreported) to show that they were prompt and diligent.

On his part, the respondent had no objection to the prayer made by the learned advocate for the applicant.

For the reasons stated herein above by the learned advocate for the applicant, I entirely agree with him that as they were prompt and diligent that is sufficient/good cause to use my discretion to extend time. Therefore I hereby grant the prayer to extent time to file a notice of address for service as prayed. I further order that the applicant to file his notice of address for service within fourteen (14) days from the date of the delivery of this ruling. It is so ordered.

DATED at **TABORA** this 13th day of October, 2016.

M. S. MBAROUK
JUSTICE OF APPEAL

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


E.F. FUSSI
DEPUTY REGISTRAR
COURT OF APPEAL