

**IN THE HIGH COURT OF ZANZIBAR
AT TUNGUU**

CIVIL APPLICATION NO. 30 OF 2024

(Originate from Civil Application No. 36 of 2022)

ABEID ZAHOR OTHMAN APPLICANT

VS

LATIFA KHAMIS MZEE RESPONDENT

RULING OF THE COURT

01/10/2024 & 01/10/2024

KAZI, J.:

This application is made under Section 95 (1) and (2) and Section 129 of the **Civil Procedure Decree**, cap 8 of the Laws of Zanzibar and Section 3 (1) (a) (b) and (c) of the **High Court Act**, 1985 and any other enabling provisions of the Law. The applicant is praying for an extension of time to apply for a review of the Civil Appeal No. 36 of 2022.

At this juncture, it is essential to note that the parties to Civil Appeal No. 36 of 2022 were Abeid Ibrahim, an appellant and Latifa Khamis Mzee, the respondent, whereas in this application, the applicant is Abeid Zahor Othman, and the respondent is Latifa Khamis Mzee.

The application is supported by the affidavit of Hassan K. Kijogoo, learned advocate for the applicant. The respondent opposed the application through a Counter Affidavit deponed by Victoria Sosthenes Mwiliko, learned advocate for the respondent. It's important to note that the hearing of this matter was conducted through written submission.

As noted earlier, the parties in this application are different from the ones that appeared in the appeal, which is impugned. Therefore, I offered the learned advocates from both sides time to address the Court on whether the applicant who was not a party to Civil Appeal No. 36 of 2022 can file an application for an extension of time to file an application for review of the same.

In addressing the Court, both learned advocates conceded that Abeid Ibrahim, not Abeid Zahor Othman, was the appellant on the impugned appeal. After being probed by the Court, they also agreed that this application is not tenable since it was preferred by the applicant, who was not party to Civil Appeal No. 36 of 2022.

Therefore, since the applicant was not a party in Civil Appeal No. 36 of 2022, this application is incompetent, and it is struck out. As the court raised the issue of the application's tenability *suo motto*, I make no order as to costs.

Dated at Tunguu, Zanzibar this 01st October 2024.



G. J. KAZI
JUDGE
01/10/2024.