



THE UNITED REPUBLIC OF TANZANIA
OFFICE OF THE SOLICITOR GENERAL



**EQUITY BANK TANZANIA LIMITED v. TSN OIL
(TANZANIA) LIMITED**

COURT OF APPEAL OF TANZANIA

AT DAR ES SALAAM

CIVIL APPEAL NO. 1413 OF 2024

**(Appeal from the Judgment and Decree of the High Court of Tanzania (Commercial Division)
at Dar es Salaam, Nangela, J. dated 3rd day of November, 2023 in commercial case No. 25
of 2021.)**

Rectification of judgment does not extend the statutory 60-day appeal period; a defective certificate of delay cannot cure lateness.

Civil procedure — Appeal time limits — Rule 90(1) Court of Appeal Rules — Certificate of delay: Registrar must exclude only days from request to notification of readiness — Rectification under slip rule (section 96) cannot extend or suspend the sixty-day appeal period — Defective certificate of delay cannot cure late filing.

The appellants, Equity Bank Tanzania Ltd (1st Appellant) and Equity Bank Kenya Ltd (2nd Appellant), appealed against a High Court decision dated 3rd November 2023. A notice of appeal was filed on 27th November 2023. The record of appeal was lodged on 6th December 2024, well beyond the 60-day statutory limit.

A certificate of delay dated 3rd May 2024 was issued after the appellants were notified that proceedings were ready. Instead of filing the appeal within time, the appellants: Waited until 23rd August 2024 to request rectification of the judgment (correction of party names) and obtained a second certificate of delay dated 11th November 2024, which purported to extend



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time. The Respondents raised preliminary objections arguing that the appeal was time-barred and that the second certificate of delay was invalid/defective.

Held:

The Appellant's attempt to cloak a deliberate delay of 398 days in the pretext of awaiting a rectified judgment is misconceived and legally untenable. The second certificate of delay (11th November 2024) was incurably defective because it improperly included time spent seeking rectification. The appeal was instituted out of time and it is time barred. The preliminary objection was upheld.

Appeal was Struck out

Case referred to:

- i. Braeburn Schools Tanzania Limited v. Zephania Samwel Civil Appeal No. 48 of 2023 [2025] TZCA 797
- ii. Hamisi Mdida & Another v. Registered Trustees of Islamic Foundation (Civil Appeal No. 59 of 2020) [2020] TZCA 1918

Statutory Provisions referred to:

- i. Court of Appeal Rules under Rule 90(1)
- ii. Civil Procedure Code, Cap 33 R.E. 2019, Section 96

Ms. Mpaya Kamara, Gasper Nyika and Hussein Mohamed for the Appellants

Mr. Frank Mwalongo for Respondents.