

This is a grave omission, however there is the affidavit in support which brings out the grounds upon which the applicant bases the claim raised. This court being a court of justice will therefore base on the available affidavit and determine the application on merit. The omission is accordingly in the circumstances of the matters alluded to found competent before court.

2. Sufficiency of Application

In an application for extension of time applicant must show sufficient cause. *Per the executrix of the Estate of the Late Christine Namatovu V. Mary Namatovu (1992-93) HCB 85.*

The courts have held that mistake of counsel should not visited on the litigant. It is good and sufficient cause once a litigant shows that she / he did not sanction such behavior .

In *Mary Kyomulabi V. Ahamed Zirondemu 1999-93HCB 103*, it was held that;

“the proposition that a mistake by counsel might not necessarily be a bar to his obtaining extension of time and that the administration of justice normally required that the substance of all disputes should be investigated and decided on merits and that errors and lapses should not necessarily debar a litigant from the pursuit of his rights. Further it would be deplorable for a vigilant litigant to be penalized by refusing him to appeal because of the negligence of his counsel over whose actions he /she has no control.”

The facts before me show that applicant instructed counsel who did not act for her professionally and failed to file the memorandum on time. He also failed to exercise the option to withdraw the intended appeal, and avoid the dismissal.

I hold that this behavior was not suctioned by the litigant who is in court seeking for justice.

This behavior though grossly unprofessional cannot be visited on the litigant who has vigorously come to court and defended her interest and right to appeal. I therefore hold that sufficient cause has been shown.

I therefore find merit in the application, however I will grant it on condition that applicant will pay taxed costs of this application to Respondent at end of the trial regardless of the outcome of the appeal.

The appeal be filed strictly on time frames as allowed in the law. Failure will mean that appeal is abandoned.

The application is granted with costs to respondent in terms as above. I so order.

Henry I. Kawesa

JUDGE

07.07.2017