**African Banking Corporation Ltd v Mavji Construction Ltd and others**

**Division:** High Court of Tanzania at Dar-Es-Salaam

**Date of ruling:** 12 March 2004

**Case Number:** 282/02

**Before:** Kimaro J

**Sourced by:** LawAfrica

**Summarised by:** A Mwanzia

*[1] Civil procedure – Pleadings – Amendment of defence – Application to amend brought late by one year – Whether sufficient cause established for the delay – Whether application may be granted.*

**Editor’s Summary**

The defendants applied to court seeking to amend their statement of defence to include a counterclaim.

The application was made a year after service and before the final pre-trial conference stage. The reason given for the delay was that all senior officers of the defendant were abroGad on travel duty.

The defendant’s counsel requested the Court to grant the application on the ground that the principal officer was abroad on medical reasons. There was no evidence of this set of facts in the supporting affidavit.

**Held** – There was no evidence to support the contention that the principal officer was abroad on medical grounds. There was also no documentary evidence to support allegations of travel abroad. The defendant had not established a sufficient cause for the delay in filing the application, the same was therefore dismissed.

**No cases referred to in ruling**

**Ruling**