

IN THE HIGH COURT OF TANZANIA
AT TABORA.

PC. CIVIL APPEAL NO. 11/2004
(Original Case No. 58/2000 of Urban Primary Court of Kasulu
and Civil Appeal No. 7/2003 before the District Court of
Kasulu District)

EDWARD s/o GWANKO APPELLANT

Versus

MANUEL s/o KASUNZU RESPONDENT

ORDER

8th May, 07

MUJULIZI, J.

On 16.4.2004, this Court, (Hon. Mwita, J.) ruled
that:

"In terms of section 41 and 54 of Act No. 2 of
2002 this appeal should be heard by the High
Court (Land Division)."

However, out of inadvertency, (I presume) this
matter was never transferred to the Land Registry of

this Court, and instead it was brought before this Court in total departure from the order cited above.

By section 167 of the Land Act, (Cap. 113 R.E. 2002) and section 62 of the Village Land Act, (Cap.114, R.E. 2002) read together with section 3(1)(2) and section 54 (3)(4) of Act. No. 2 of 2002, the jurisdiction of this Court to determine this appeal expired two years after the coming into operation of Act No. 2 of 2002. That is on 1st October, 2005. The Act came into operation on 1st October, 2003 – Ref. to G.N. 223/2003.

The Appeal herein filed on 18th September, 2003 is deemed to have been properly filed but since this Court failed to determine it within the time prescribed under section 54(3) of Act No. 2/2002, and in the absence of an express order of the Honourable Chief Justice extending the time pursuant to section 54(4) of the same Act, then the jurisdiction of this Court on the matter lapsed on 1st October, 2005.

In the premises this matter should be transferred to the Land Division of this Court to be dealt with by a Judge of that Court. The parties will be notified by the same Court of the necessary steps consequent to, and in the matter.

It is so ordered.

A handwritten signature in black ink, appearing to read 'A.K. Mujulizi', written over a horizontal line.

A.K. MUJULIZI

JUDGE

8/5/2007