

**IN THE HIGH COURT OF TANZANIA**

**LAND DIVISION**

**AT MBEYA**

**MISCELLANEOUS LAND CASE APPLICATIONS NO. 59 OF 2012**

**GODWIN KAFUNJA.....APPLICANT**

**VERSUS**

**NEEMA MBISA.....RESPONDENT**

**RULING**

The Applicant is praying for an order to extend the time within which to Appeal against the decision of the District Land and Housing Tribunal of Mbeya that was delivered on 9<sup>th</sup> November 2011.

The Applicant had filed this Application on 19<sup>th</sup> November 2012. This was exactly one year and ten days from the date when the decision of the said appellate tribunal was delivered.

In his affidavit in support of the Application the Applicant has deponed that “He intended to Appeal to the High Court Land Division but failed to do so because he was seriously sick as he was feeling pain in the whole body, so he was sent to the witchdoctor for treatment” and hence he failed to prosecute the Appeal.

At the hearing of this Application the Applicant has insisted that he lost his father and stayed at the funeral in Tukuyu for a longtime, thereafter he became sick, for a long time. In reply the Respondent vehemently denied the fact that he had lost his father. She

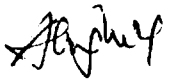
contended his purported illness is not true. In rejoinder the Applicant argued that though he was not admitted in the Hospital but he got treatment from the "Pharmacy Shops".

Having heard the parties it is quite clear that the Applicant has not advanced good and sufficient cause for his delay to appeal to the High Court within sixty days after the date of the decision or order claimed to appeal to the High Court.


I hold so because the deposed facts are quite different from what the Applicant has stated before this court. The Applicant is not telling the truth as to why he delayed to appeal in court. This fact clearly show that his reasons for the delay are mere afterthoughts. In my considered view the Applicant had waived his Right to Appeal in time for insufficient cause.

Accordingly the Application is dismissed with costs.



  
**A.F. NGWALA**  
**JUDGE**  
**21/10/2012**

**Court:** Right of Appeal to the Court of Appeal of Tanzania explained.

  
**A.F. NGWALA**  
**JUDGE**  
**21/10/2012**