

**IN THE HIGH COURT OF TANZANIA
[LAND DIVISION]
AT ARUSHA**

MISC- LAND APPLICATION NO. 8 OF 2014.

**(C/F District Land and Housing Tribunal for Simanjiro Appeal No.
33 of 2013, Endiamtu Ward Application No. 28 of 2013).)**

REHEMA EMMANUEL.....1ST APPLICANT

JAFARI MATAMBI.....2ND APPLICANT

VERSUS

ALOIS BONIFACE.....RESPONDENT.

Date of last order: 14/05/2014

Date of Ruling: 19/06/2014

RULING.

F. H. MASSENGI, J.

Applicants Rehema Emmanuel and Jafari Matambi are praying this Court to grant extension of time to appeal to the High Court against the decision of the District Land and Housing Tribunal of Simanjiro in Appeal Case No. 33 of 2013 which originates from Endiamtu Ward Tribunal Application No. 28 of 2013.

Applicants appeared in person to defend their application while respondent Alois Boniface enjoyed the service of Dr. Mchami learned advocate. Defending their application, applicants submitted that the cause of delay to file their appeal was that they had to seek assistance from the Legal Human Rights Centre as they could not afford to engage an advocate and as lay persons they couldn't prepare their appeal. During the December period the Legal Human Rights Centre office was closed as they were on holidays and when they opened already time was against them. Dr. Mchami in opposing the application argued that has been brought very late as it was brought after 53 days. He further submitted that our courts have set conditions for granting extension of time is that there must be a legal defect on the Judgment upon which the intended appeal is based upon. And the applicants have not point that defect then they have not establish sufficient cause for delay and the application should be dismissed.

I have considered the cause of delay as narrated by the applicants in this application that as lay persons they relied on the assistance of the Human Rights Centre for legal assistance. It was during December period when this issue arose and by then Legal and Human Rights Centre was closed as per attached notice in their affidavit. Immediately after the centre resumed operation they filed their application but they were already time barred, I find the applicants had a sufficient cause for their delay. I have considered their position that they are ignorant people who have no legal expertise but also the Constitution and even International instruments insist on the right of having legal aid and find that I am obliged to grant the

application and I hereby do enlarge time for applicant to file their appeal to this court, that is 45 days from today.

SGD: F. H. MASSENGI

JUDGE

19/06/2014

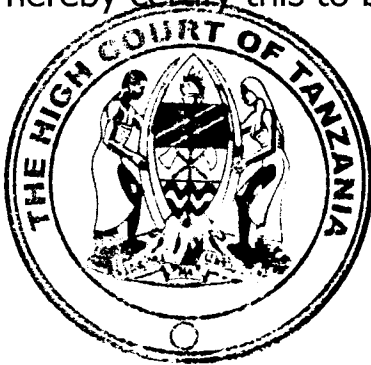
Delivered in Court in presence of applicants and Dr. Mchami for Respondent this 19th June, 2014.

SGD: F. H. MASSENGI

JUDGE

19/06/2014

I hereby certify this to be a true copy of the original.




**DISTRICT REGISTRAR
ARUSHA**

24/7/14