

IN THE HIGH COURT OF TANZANIA

AT DODOMA

LAND CASE APPEAL NO 31 OF 2016

*(From the decision of the District Land and Housing Tribunal of Singida District at
Singida in Land Case No. 9 of 2012)*

ROBERT ANTHONY LYMO APPELLANT

VERSUS

RAJABU MGONTORESPONDENT

JUDGEMENT

13/09/2016 & 14/12/2016

A. MOHAMED, J.

After being dissatisfied with the decision of the Singida District Land and Housing Tribunal in Land Appeal Case No. 31 of 2016, the appellant has lodged this appeal of the following four grounds;

1. That the trial tribunal erred in deciding in favour of the respondent without considering he had redeemed the disputed land from the respondent's family.
2. That the trial tribunal erred in declaring the appellant as trespasser without considering he has been in occupation for more than 40 years
3. That the tribunal erred in deciding that the respondent was the caretaker of the estate of the late Said Mwaya without his

being formally appointed as the administrator of the deceased's estate as required by law

4. That the trial tribunal erred in deciding the suit without due analysis of the evidence adduced by the appellant.

A brief background of the facts of this appeal is to the effect that the appellant had sued the respondent Rajabu Mgonto claiming for 10 acres of land at Minyinga village. He claims to have redeemed the piece of land from the Usila Family after his father had sold the same to the Mara family who in turn had sold it back to the Usila family. And that he occupied the suit land from 1994 to 2010 when the respondent forcefully took it claiming it belonged to the late Said Mwaya and that he was his care taker. The Mwangaa Ward Tribunal had adjudicated the matter between the late Said Mwaya and the appellant and had ordered division of the disputed parcel of land into 3 equal portions; one was given to the late Said Mwaya, one to the respondent and another to a third person. The Singida District Land and Housing Tribunal thereafter confirmed that decision.

The appeal was argued by way of written submissions and both parties filed their submissions in time. I carefully perused the grounds of appeal and the respective written submissions of the parties. I also reviewed both lower tribunals' records in light of the grounds of the appeal which is the framework for dealing with the appeal. I have not seen any irregularity, misdirection, misapplication of the law or

any mishandling of the case at both the trial and the 1st appellate tribunals.

I therefore find no reason to interfere with the sound concurrent findings and decisions of the lower tribunals. I accordingly dismiss the appeal with costs.

It is so ordered.



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A. MOHAMED
JUDGE
14/12/2016

The right of appeal explained.



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A. MOHAMED
JUDGE
14/12/2016