

**IN THE HIGH COURT OF TANZANIA
(DODOMA DISTRICT REGISTRY)
AT DODOMA**

MISC. LAND CASE APPLICATION NO. 113 OF 2017

*(From the Judgment of the High Court of Tanzania at Dodoma in the Land
Appeal No. 28 of 2016, Original from the District Land and Housing
Tribunal of Singida in Land Case No. 52 of 2014)*

AMOS MANYAMA AND 15 OTHERS.....APPLICANT

VERSUS

M/S BIO SUSTAIN (T) LTD.....RESPONDENT

RULING

21/1/2019 & 25/1/2019

KITUSI, J.

This is an application for leave to appeal to the Court of Appeal made under section 47 (1) of the Land Disputes Courts Act, 2002, CAP 216.

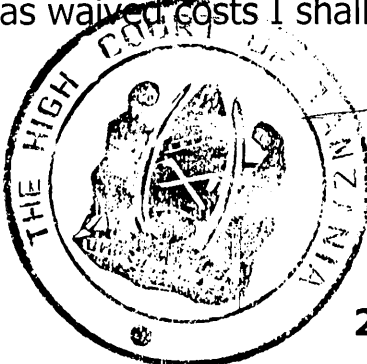
When the matter was called for hearing Mr Lucas Komba learned advocate for the respondent raised a point of preliminary objection whose

notice he had earlier given. The point of objection is that the application suffers from non citation of the enabling provisions of the law.

Mr Mselingwa, learned advocate for the applicants quickly conceded to the point but prayed that costs be waived. In response to the issue of costs, Mr Komba agreed to waive them.

With respect I agree with both counsel that an application for leave to appeal to the Court of Appeal from the decision of this court sitting as a Land Court must cite both section 47 (1) of the Land Disputes Courts Act, 2002 [before the coming into force of the Written Laws Misc. Amendment (3) Act No 8 of 2018] and section 5(1) of the Appellate Jurisdiction Act CAP 141.

For omitting to cite section 5(1) of the Appellate Jurisdiction Act, CAP 141, this application is incompetent for which reason it is struck out. Since the applicants' counsel has readily conceded and as the respondent's counsel has waived costs I shall not order any.



[Signature]
I.P. KITUSI
JUDGE
25/01/2019