

**IN THE HIGH COURT OF TANZANIA
(LAND DIVISION)
AT SUMBAWANGA**

MISC. LAND APPLICATION NO. 12 OF 2019

*(From original case No. 10/2016 at Nkandasi Ward Tribunal
Appeal No. 56/2016 of District Land and Housing Tribunal Rukwa)*

SALUBASIA KIFINDA APPLICANT

VERSUS

BENEZETH MISENGA RESPONDENT

RULING

W.R. MASHAURI – J.

20/04/2020 & 11/05/2020

This Miscellaneous Land Application No. 12 of 2019 is originating from civil case No. 10 of 2016 decided by the Nkandasi Ward Tribunal in favour of the respondent Benezeth Misenga.

Dissatisfied by the Wad Tribunal decision, the applicant in this application who was complainant in the Nkandasi Ward Tribunal Salubasia Kifinda appealed to the District Land and Housing Tribunal Rukwa vide appeal No. 56 of 2016 where also she lost her case. It appears that, upon lost her case in the Rukwa District Land and Housing Tribunal, the applicant did not lodge her appeal in this court against the decision of Rukwa District Land and Housing Tribunal. Hence this application filed in this court under S. 14(1) of the Law of Limitation Act Cap. 89 RE 2002 and S. 38(1) of the Land Disputes courts Act, 216 seeking leave of this court to

file her appeal against the decision of the Rukwa District Land and Housing Tribunal out of time.

On the hearing of this application, all parties appeared in person.

When the applicant was given time to give reasons why she did not file her appeal in time against the decision of the Rukwa District Land and Housing Tribunal, the applicant failed to give any reason for the delay, instead she said she has come in court for seeking for her inheritance shamba from her late father which was borrowed by the respondent.

Having heard so, the respondent did not also argue anything in respect of the delay deposed by the applicant in her affidavit, nor did he say anything in respect of all that deposed in his counter-affidavit.

It is quite apparent from the trial Tribunal record in appeal case No. 56 of 2016 that, the judgment of the appellate Tribunal was delivered on 17/05/2017. This application for extension of time to file an appeal out of time was lodged in this court on 17/06/2019 after a lapse of 2 years and 1 month.

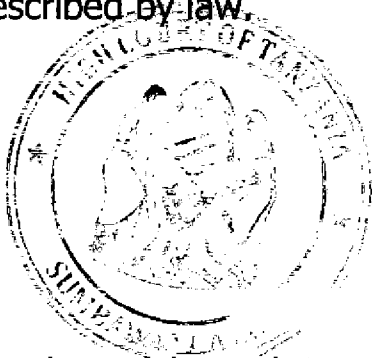
In her submission in support of her application, the applicant said nothing relevant to the application in so far as the provision of S. 14(1) of the Law of Limitation Act Cap. 89 RE 2002 is concerned.

Section 14(1) provides thus:-

14(1) Notwithstanding the provisions of this Act, the court may, for any reasonable or sufficient cause, extend the period of Limitation prescribed for such appeal or application.

In this application, there is no reasonable or sufficient cause given by the applicant which can move this court to extend period of Limitation pursuant to the provisions of Section 14(1) of the law of Limitation Act Cap. 89 RE 2002.

This application is hereby therefore dismissed with costs for want of reasonable and/or sufficient cause to extend the period of Limitation as prescribed by law.




W.R. Mashauri

Judge

11/05/2020

Ruling delivered in chamber in the presence of the applicant and absence of the Respondent this 11th day of May 2020.

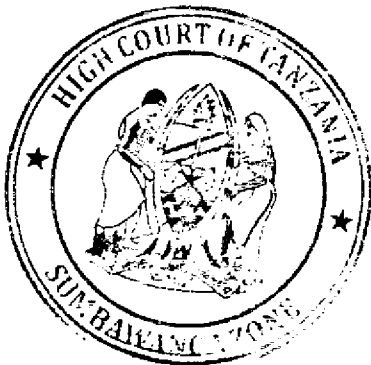



W.R. Mashauri

Judge

11/05/2020

Right of appeal explained.




W.R. Mashauri

Judge

11/05/2020