

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
AT KIGOMA.**

**IN THE DISTRICT REGISTRY OF KIGOMA
(LAND DIVISION)**

APPELLATE JURISDICTION

MISCELLANEOUS LAND CASE APPLICATION NO. 4 OF 2020

*(Arising from Kigoma District Land and Housing Tribunal, Land
Application No. 29 of 2014)*

MELESIANA KAGUNGU.....APPLICANT

VERSUS

1. ASHERY BALELA KIHUMBI

2. ENOCK KASAMO..... RESPONDENTS

RULING

Date of last order: 10/3/2020

Date of Ruling: 27/3/2020

Before Hon. A. Matuma,J

This is an application for extension of time within which the applicant to appeal.

The reasons advanced by the applicant in her affidavit is that despite of applying for a copy of judgment and decree immediate after its delivery, she was not supplied in time.

She was supplied with a judgment a day before the deadline for appeal period and a decree after the expiry of the appeal period.

Mr. Kagashe learned advocate for the applicant submitted that since the governing law for appeal was the Civil Procedure Code, attachment of the decree was necessary and his client could ~~not~~ appeal without the said decree.

On his party, Mr. Damas Sogomba disputed this application arguing that the two letters purportedly sent to the District land and Housing Tribunal seeking for the relevant copies are not stamped and thus it is not evidenced that they were filed in the tribunal.

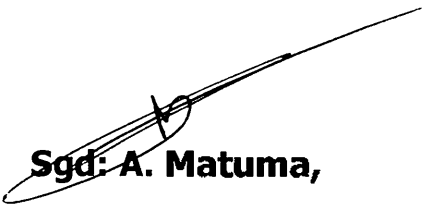
It is my settled view that this application should be granted. I have no good reason for not believing the applicant on the initiatives she took immediate after the delivery of the impugned judgment.

The presence of a District Commissioner's letter is at least an indicator that just three days after the delivery of the judgment the applicant was going around trying to get out the said judgment.

I therefore, find this application to have been brought with sufficient cause and I accordingly grant it. The applicant is given twenty-one (21) days to appeal. No orders as to costs.

It is so ordered.




Sgd: A. Matuma,
Judge,
27/3/2020