

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

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

**AT KIGOMA**

**APPELLATE JURISDICTION**

**MISC. LAND APPLICATION NO. 46 OF 2020**

*(Originating from Consolidated Land Appeal No. 2,3 & 4 of 2019 of the District Land and Housing Tribunal on 3<sup>rd</sup> July, 2020 Before: M. Nyaruka – Chairman).*

**1. DUNIA KAHRUFANI**

**2. ALBERTO TUNU**

**3. MAHAMOUD KISWABI**

.....**APPLICANTS**

**VERSUS**

**MARWA MAGIGE.....RESPONDENT**

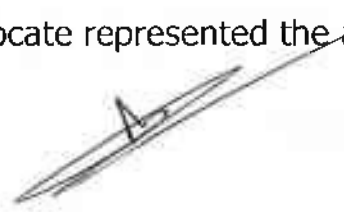
**RULING**

*18<sup>th</sup> Nov. & 18<sup>th</sup> Nov. 2020*

**A. MATUMA, J**

In this application, the applicants seek extension of time to appeal against the decision of the District Land and Housing Tribunal for Kigoma in consolidated Land Appeal No. 2,3 and 4 of 2019. The respondent avoided service of this Application as per the process server's affidavit.

In the circumstances, I heard the Application *ex parte* where as Mr. Michael Mwangati learned advocate represented the applicants.



In their joint affidavit and the submission of their learned advocate, the Applicants state that the delay was caused by failure of the tribunal to supply them with the impugned judgment until when the prescribed time for Appeal had elapsed.

I have seen the letter of the Applicants which they wrote to the tribunal on 17/7/2019 to request the impugned judgment which was still in time for them to appeal had they been supplied the said document in time.

Since the respondent did not show up for the reason herein above stated, I have no reason to disbelieve the averments of the applicants and I take this Application as being unopposed.

I therefore grant the same and extend 21 days to the Applicants within which to lodge their intended Appeal.

I will however grant no costs of this application because it was not the respondent who delayed the Applicants but the District Land and Housing Tribunal.


It is so ordered.



**A. Matuma,**

**Judge**

**18/11/2020**



**Court:** Ruling delivered in chambers in the presence of Applicants in person and Mr. Michael Mwangati learned advocate and in the Absence of Respondent.

**Sgd: A. Matuma**

**Judge**

**18/11/2020**