

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(IN THE DISTRICT REGISTRY OF KIGOMA)
AT KIGOMA
(APPELLATE JURISDICTION)**

MISC. LAND APPLICATION NO. 44 OF 2020

*(Arising from District Land and Housing Tribunal for Kigoma Land Appeal
No. 1 of 2016 Before: Waziri M.H – Chairman and Originating from Land
Dispute No. 5 of 2015 Simbo Ward Tribunal).*

1. MARIAM ATHUMANI
2. MWAJUMA ATHUMANI |**APPLICANTS**

VERSUS

CHAUSIKU HAMIS..... RESPONDENT

RULING

Dated: 24/11/2020 & 24/11/2020

A. MATUMA, J.

This is an application for extension of time within which the applicants to appeal in this Court against the judgment of the District Land and Housing Tribunal in Land Appeal No. 1/2016.

At the hearing of this application Mr. Ignatius Kagashe learned advocate represented the Applicants while Mr. Sadiki Aliko learned advocate represented the respondent.

Mr. Kagashe learned advocate advanced and argued one major ground for the extension in that upon the delivery of the impugned judgment on 28/8/2020, the Applicants wrote a letter to the tribunal seeking the copy

of the judgment for appeal purposes. That despite such earlier request, the copy of the said impugned judgment was supplied to them on 28/8/2020 extremely out of time prescribed for appeal.

Mr. Sadiki Aliko learned advocate for the respondent opposed this application stating that there is no legal requirement that in an appeal of this nature a copy of judgment must be attached to the petition of Appeal. He argued thus, that the applicants could have appealed in time without necessarily waiting for such a copy.

Having heard the parties, I agree with Mr. Sadiki that the law does not mandate a party to attach the copy of judgment in an appeal of this nature.

Even though, it is undisputed fact that the grounds of appeal are and should be construed and or deduced from the impugned judgment versus the proceedings. In the circumstances, for one to draft a sound ground of appeal needs to have in possession the copy of the impugned judgment and the proceedings.

In the circumstances, I grant this application and extend fourteen (14) days time from today within which the Applicants should lodge their intended appeal.

No orders as to costs. It is so ordered.



A. MATUMA
JUDGE

24/11/2020

Court: Ruling delivered in chambers this 24th day of November, 2020 in the presence of Mr. Ignatius Kagashe learned advocate for the applicants and the 2nd Applicant in person and Mr. Sadiki Aliko learned advocate for the Respondent.

Sgd. A. MATUMA

JUDGE

24/11/2020

