

**THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF MBEYA)
AT MBEYA**

MISC. LAND APPLICATION NO.121 OF 2020

*(From Land Application No.64 of 2019 of the District Land and Housing Tribunal
for Mbeya)*

GOLDEN ENOCK SICHALWE.....APPLICANT

VERSUS

FELISTA ACQURINE SHIRIMA as an administratix of

PAULO AMBROSE ASENGA.....RESPONDENT

RULING

Date of last Order: 27/11/2020

Date of Ruling: 11/12/2020

L.M. Mongella, J.

The Applicant is seeking for extension of time within which to file appeal out of time. As presented by Mr. Amani Angolwisye, learned counsel for the respondent, the application is not contested by the respondent.

The reasons for the delay in filing the appeal, as set out in the affidavit of the applicant in support of the application, are to the

effect that the delay was caused by delay in obtaining the copies of Judgment. The applicant also pointed illegalities in the impugned decision, which touch the jurisdiction of the trial Tribunal.

The law is settled to the effect that a delay in obtaining copies of Judgment and Decree, which are necessary documents in lodging the appeal constitute sufficient reasons. See: **The Director of Public Prosecutions vs. Mawazo Saliboko @ Shangi & 15 others**; Criminal Appeal No.384 of 2017 (CAT at Tabora, unreported).

Since there was no unreasonable further delay after obtaining copies of Judgment, this Court finds the reason to be sufficient to warrant granting of extension of time to the applicant. In addition the illegality pointed out also amounts to sufficient reason.

In consideration of the reasons advanced for the delay, I hereby grant the application for extension of time to file appeal out of time. The applicant is given 45 days from the date of this Ruling to file the appeal.



L.M. Mongella
L.M. Mongella

Judge

11/12/2020