

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA
AT SHINYANGA**

LAND APPEAL NO 6 OF 2018

(Arising from Land appeal No. 38 of 2017 in Busanda Ward Tribunal Court)

LUBANGO MAGANGAAPPELANT

VERSUS

HAMIS KISHIWA.....RESPONDENT

JUDGEMENT

Date of the last Order: -20/3/2020

Date of the Ruling: -27/3/2020

E.Y.MKWIZU, J.

Appellant herein was a respondent in Land case No 04 of 2017 which was filed in Busanda Ward Tribunal by plaintiff (now respondent). The parties dispute was over a boundary of the land in which they are bordering. The tribunal decided in favour of the plaintiff. Dissatisfied, appellant appealed to the District Land and Housing Tribunal where again, his appeal was dismissed. Dissatisfied, he has come to this Court with four grounds of appeal which can be summarized into one ground that the trial tribunal failed to analyse the evidence on the record.

When the matter came for hearing, both parties were in person with no legal representation.

Arguing in support of his appeal appellant had nothing significant to say understandably, because he is a lay person. He said the respondent's witnesses at the trial court were not credible as they were not telling the truth. He prayed for the court to allow his appeal and quash the decision of the two courts below Respondents, like the appellant, had nothing much to say. To him, he said, the appeal should be dismissed.

In rejoinder, appellant faulted the trial court for not allowing him to listen to the evidence adduced by the witness when the tribunal visited the locus in quo.

I have given the matter a throughout scrutiny taking into account the nature of the appeal and that parties are lay persons and not represented by counsels. The first appellate tribunal went through the records and evaluated evidence by the trial tribunal and came into a conclusion that the appeal had no substance. The first appellate tribunal ruled in addition that

evidence of both parties was properly recorded and that each part was given chance to cross-examine the witnesses of the opposite side.

Having given the matter a serious scrutiny, and taking into account that this is a second appeal where re- evaluation of evidence is limited, I find no reason to differ with the finding of the 1st appellate tribunal specifically taking into account that the Appellate Tribunal took into account all what was traversed by parties in the trial court before it came into its conclusion.

All said and done, I dismiss the appeal for lacking in merit.

It is so ordered

DATED at **SHINYANGA** this 27th day of MARCH, 2020.

