

IN THE HIGH COURT OF TANZANIA

TABORA DISTRICT REGISTRY

AT TABORA

MISCELLANEOUS LAND CASE APPLICATION No.13 OF 2019

(Arising from Land Application No.9 of 2018 of Nzega District and
Housing Tribunal)

SOPHIA K. MASANILO APPLICANT

VERSUS

ABDALLAH MABULA RESPONDENT

RULING

Date of Last Order: 14/02/2020

Date of Delivery: 27/03/2020

AMOUR S. KHAMIS, J.

Sophia K. Masanilo was a respondent in the District Land and Housing Tribunal for Nzega where Abdallah Mabula emerged as a victor on ownership of a disputed Land.

Aggrieved by that judgment, Sophia K. Masanilo moved this Court to extend time to enable her lodge an appeal.

The application supported by her own affidavit, was made under Section 41 (2) of the Land Disputes Courts Act, Cap. 216 as amended by the written Laws (misc. Amendments) Act No. 4 of 2016.

She disclosed cause of a delay as the tribunal's hindrance to supply copy of a judgment and proceedings.

Abdallah Mabula filed a counter affidavit partly noting and partly disputing the applicant's assertions.

When the matter was placed before me for hearing, both parties appeared in person.

The application was orally heard with both sides adopting their respective affidavits.

The issue is whether a good cause for delay was shown by the applicant.

Section 41 (2) of the **LAND DISPUTES COURTS ACT, CAP 216, R.E. 2002** as amended by the Written Laws (Miscellaneous Amendments) (No.2) Act No. 4 of 2016, reads;

"41 (2) an appeal under subsection (1) may be lodged within forty five days after the date of the decision or order.

Provided that, the High Court may, for good cause extend the time for filing an appeal either before or after the expiration of such period of forty five days."

In paragraph 5 of the affidavit, the applicant deponed that:

"5. That despite several follow ups at District Land and Housing Tribunal for Nzega still I was not issued with the copies of the judgment. In despite measure

on 30/07/2018 I wrote my complaints to the Deputy Registrar of the High Court Tabora District Registry which were replied on 14/08/2018,”

The Deputy Registrar’s letter of 14/08/2018 referenced J/HCT/C.50/19/Vol. IV/110 was attached as annexure “L.1”.

The letter was addressed to Chairman of the District Land and Housing Tribunal for Nzega forwarding the applicant’s complain and was copied to one Adelhelm K. Masanilo of Chief Ntinginya secondary School.

With this evidence on record, I am satisfied that a sufficient cause for extension of time was shown since certified copy of a judgment was issued on 28/09/2018, well after the applicant’s follow ups.

For the stated reasons, the application is granted.

Let the applicant file an intended appeal within thirty (30) days from date of delivery of this ruling.

I make no order for costs.

It is so ordered.

Signed

AMOUR S. KHAMIS

JUDGE

27/03/2020

Date: 27/03/2020

Coram: B.R. Nyaki, DR

Applicant: Absent

Respondent: Present in person

B/C: Lucy Thomas Haule, RMA

COURT: Ruling delivered this 27th day of March, 2020 in the presence of Respondent but in absence of the Applicant.



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B.R. Nyaki

DEPUTY REGISTRAR

27/03/2020

Court: Right of Appeal explained fully.

A handwritten signature in black ink, appearing to be "B. Nyaki".

B.R. Nyaki

DEPUTY REGISTRAR

27/03/2020