

**IN THE HIGH COURT OF TANZANIA  
IN THE DISTRICT REGISTRY  
AT MWANZA**

**MISC LAND APPLICATION NO. 89 OF 2020**

(Arising from District Land and Housing Tribunal for Mwanza at Mwanza in Application No. 117 of 2014)

**EZEKIEL MIFORO..... APPLICANT**

**VERSUS**

**JOANITHA JOVENT MATHIAS..... RESPONDENT**

**RULING**

**6<sup>th</sup> & 16<sup>th</sup> March, 2021**

**RUMANYIKA, J.:**

The application is brought under Section 14(1) of the Law of Limitation Act and Section 95 of the Civil Procedure Code Chapters 89 and 33 R.E. 2019 respectively for extension of time within which Ezekiel Miforo (the applicant) to appeal against judgment and decree dated 28/01/2020 of the District Land and Housing Tribunal for Mwanza (the DLHT). It is supported by affidavit of advocate Joseph Kinango whose contents the learned counsel for the applicant adopted during the hearing. Ms. Mirembe learned counsel appeared for Joanitha Jovent Mathias (the respondent). Through mobile numbers 0762582642 and 0759037033 respectively, the parties were heard by way of audio teleconferencing.

Mr. Kinango learned counsel very briefly he submitted that the reason for delay was that immediately having had applied for copies of the impugned judgment and decree he sent the 1<sup>st</sup> and 2<sup>nd</sup> reminders on 19/02/2020 and 04/03/2020 respectively all in vain, counsel wasn't supplied with the requisite copies until late in the day on 15/09/2020 the very date that also, the copies were certified and signed and, without much ado, the applicant instituted the instant application on 25/09/2020 say only ten (10) days later reasonably under the circumstances all this time the DLHT having had pleaded lack of the typing facilities.

Ms. Mirembe learned counsel submitted that the application lacked merits because if anything, the DLHT did not seem really having had admitted the fault. No sufficient ground shown but the applicant only plays delaying tactics. The learned counsel further contended.


The central issue, and it is both trite law and the bottom line is whether the ground given by the applicant was good and sufficient enough for any reasonable tribunal to discretionally grant him extension of time. The answer is yes for **two** main reasons:



**One;** at least the respondent did not sufficiently dispute the facts that the applicant applied for the copies hardly two days of the impugned judgment and proceedings leave alone the equally written 1<sup>st</sup> and 2<sup>nd</sup> reminders of 4<sup>th</sup> March, 2020 latest and, all this time the DLHT having had acknowledged receipt of the letters but just muted much as the copies were certified and probably dated say half a year later and quietly supplied. There is no wonder this court did not get it from the DLHT how and why did that one happen. The moment he had requested for the copies and the DLHT acknowledged it, the applicant was home and dry. I think until then the applicant had shown efforts of the highest degree reasonably expected of him.


**Two;** having had applied for the copies within the first two days of the impugned judgment and proceedings and he lodged the application only ten (10) days after he was long at last supplied with the certified true copies of it, that one demonstrated all the reasonably expected militancy and commitment alone it constituted a sufficient ground for extension of time. The application is granted. Each party shall bear their costs. It is so ordered.

Right of appeal explained.

  
**S. M. RUMANYIKA**  
**JUDGE**  
**06/03/2021**

The ruling is delivered under my hand and seal of the court in chambers this 16/03/2021 in the absence of the parties.



  
**S. M. RUMANYIKA**  
**JUDGE**  
**16/03/2021**