

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(IN THE DISTRICT REGISTRY OF KIGOMA)**

**AT KIGOMA**

**(APPELLATE JURISDICTION)**

**MISC. LAND APPLICATION NO. 8 OF 2021**

(Arising from Land Appeal No. 52/2018 of the District Land and Housing Tribunal –  
Kigoma, Original from Land Cause No. 32/2017 at Kibirizi Ward Tribunal)

**BAKARI S/O RASHIDI.....APPELLANT**

**VERSUS**

**JOSHUA S/O HOMBA.....RESPONDENT**

**R U L I N G**

09<sup>th</sup> & 09<sup>th</sup> April, 2021

**A. MATUMA, J.**

This application for extension of time is hereby granted as I find the advanced grounds by Mr. Joseph Mathias learned Advocate that the District Land and Housing Tribunal delayed to supply the applicant with the impugned Judgment are sufficient to warrant extension as one cannot properly lodge the appeal without having the impugned Judgment within which the grounds are extracted.

The averment of the respondent that he was on his party supplied with the impugned judgment on 5/10/2020 is not true as his receipt attached

to the counter affidavit indicates that he got the same on 01/04/2021 which is extremely out of time than even the Applicant. As to why he delayed to have the judgment to that extent should be equally measured in favour of the applicant.

I have seen the Respondent's letter attached to the counter affidavit in which he wrote to the chairman of the District Land and Housing Tribunal requesting the copy of the judgment on 01/09/2020 which was received in the tribunal on 02/09/2020.

In such a letter the Respondent wrote;

*'nitapenda na kufurahi Zaidi na Zaidi pindi mtakaponipatia nakala hiyo ya hukumu bila kupitia njia za usumbufu usio na sababu za msingi na wala kisheria'*

From such wordings of the respondent's letter it is obvious he was aware that the judgments of the District Land and Housing Tribunal are not easily supplied to the parties. That is what the applicant has stated as the reason for his delay to appeal as he was not supplied with the impugned Judgment within time.

The respondent despite of his letter being received on 02/09/2020 and effecting payment as he claims on 05/10/2020 yet he received the impugned Judgment according to the receipt on 01/04/2021. The

problems he faced to get the said judgment can not be overruled on the party of the applicant who has the same grievances.

I therefore allow this application and grant the applicant twenty-one days from today within which he has to lodge his intended appeal. No orders as to costs.

It is so ordered.



  
**A. Matuma**

**Judge**

**09/04/2021**

**Court:** Ruling delivered in chamber in the presence of the Applicant in person and his Advocate Mr. Joseph Mathias and in the presence of the Respondent in person.

**Sgd: A. Matuma**

**Judge**

**09/04/2021**