

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

**LAND APPEAL NO. 80 OF 2020**

*[Arising from the decision of the District Land and Housing Tribunal of Singida at Singida in Land Application No. 39 of 2017]*

**HAMISI RAJABU SIMA ..... APPELLANT**

**VERSUS**

**PILI MPINDA NKINDWA ..... RESPONDENT**

**RULING**

*19<sup>th</sup> April, 2021 & 19<sup>th</sup> April, 2021*

**M.M. SIYANI, J.**

Subject to a 30 days extension granted to the appellant on 4<sup>th</sup> August, 2020, the instant appeal was filed on 4<sup>th</sup> September, 2020. In the course of perusing the record of appeal, I formed an opinion that the filed appeal might be timed barred as the 30 days extension expired on 3<sup>rd</sup> September, 2020. As such I decided to invite parties to address the court on the competence of the appeal.

Given a chance to address the court, counsel Emmanuel Bwire who represents the appellant, was quick to concede that indeed, the memorandum of appeal was late for one day. As such the learned counsel contended that the appeal is time barred with dismissal as the only remedy. The respondent was not in court and so she had no opportunity to say anything on the point raised.

Having heard the learned counsel's view, I am also of the same opinion that the appeal at hand was filed not only out of the prescribed period but more so, out of the extended time. I believed the appellant did not demonstrate diligence because at the first instance he delayed to present his appeal. Yet despite being granted a 30 days extension, still he failed to present his petition of appeal in time. It is therefore apparently that the instant appeal is incompetent for being time barred and as correctly anticipated by counsel Bwire, a matter which is time barred deserves nothing but being dismissed.

As such, the instant appeal cannot be spared and the same is accordingly dismissed. Considering the fact that the dismissal order is a result of a

point raised by the court suo motto, I order each part bear its own costs.

It is so ordered.

**DATED** at **DODOMA** this 19<sup>th</sup> Day of April, 2021



**M.M. SIYANI**  
**JUDGE**