

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

LAND CASE APPLICATION NO. 21 OF 2021

(Originating from land case No. 47 of 2019 of the High Court of Bukoba and application No. 63 of 2016 of the District Land and Housing Tribunal at Bukoba)

LEOPOLD RWIZANDEKWE.....APPLICANT

VERSUS

ASIAT ABDARA.....RESPONDENT

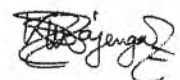
RULING

26th May & 04th June 2021

Kilekamajenga, J.

The applicant filed the instant application seeking leave to approach the Honourable Court of the Appeal. The applicant moved this Court using the Chamber summons which is supported with an affidavit deposed by the applicant. The application is coached using the following provisions of the law:

section 47(2) and (3) of the Land Disputes Courts Act, Cap. 216 RE 2019. When the parties appeared before this Court none of them had legal representation but they were ready to argue the application. In his oral submission, the applicant submitted that his evidence was not considered by the trial tribunal because the evidence of only one person was considered in making the decision. He argued further that, the respondent failed to prove the ownership of the disputed land. He insisted that the Evidence Act was



contravened in this case. He invited the Court to consider his written submission filed before the District Land and Housing Tribunal.

The respondent on the other hand believed that the land belonged to her and invited the Court to visit the *locus in quo* to confirm the truth in this matter. He contended that the boundaries of the disputed land are evident and there is no evidence suggesting that the disputed land belongs to the applicant.

In the rejoinder, the applicant assailed the respondent for failing to summon any witness at the Ward Tribunal nor tender any exhibit to prove ownership of the disputed land. The respondent was not willing to tender the sale agreement to prove that she bought the land. The applicant blamed the District Land and Housing Tribunal for the miscarriage of justice in this case.

After considering the parties submissions, the applicant's affidavit and other information contained in the file, it is apposite to consider if there is any point of law or anything importance that calls the intervention of the Court of Appeal. In the case of **Rutagatina C.L v. The Advocates Committee and Clavery Mtindo Ngalapa, Civil Application No. 98 of 2010**, CAT at Dar es salaam (unreported) the Court of Appeal of Tanzania observed that:

'An application for leave is usually granted if there is good reason, normally on a point of law or on a point of public importance, that calls for this Court's intervention.'

In this case, I do not see any point of law, or anything of public importance to invite the intervention of the Court of Appeal. For that reason therefore, I hereby dismiss the application with costs. Order accordingly.

DATED at BUKOBA this 21st Day of May, 2021.




Ntemi N. Kilekamajenga.
JUDGE
04/06/2021

Court:

Ruling delivered in the presence of the applicant and respondent all present in person. Right of appeal explained.




Ntemi N. Kilekamajenga.
JUDGE
04/06/2021

