

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE DISTRICT REGISTRY OF KIGOMA)

AT KIGOMA

LAND DIVISION

(APPELLATE JURISDICTION)

MISC. LAND APPLICATION NO. 28 OF 2021

(Arising from Application No. 63 of 2020 of the District Land and Housing Tribunal of Kigoma before F. Chinuku Chairperson)

HUSSEIN S/O MOHAMED JUMA KEBELO.....APPLICANT

VERSUS

HASHIM S/O MWEVI.....1st RESPONDENT

BUJORO S/O GWABIYE.....2nd RESPONDENT

R U L I N G

06th & 06th July, 2021

A. MATUMA, J.

The applicant is seeking extension of time to appeal against the order of the District Land and Housing Tribunal striking out his suit for none joinder of necessary party.

According to him the alleged necessary party ought to have been joined by way of third-party notice as he was not pleaded by the applicant but the 1st respondent.



The ground upon which extension is sought is the delay of the trial tribunal to supply him with the drawn order for appeal purposes. The decision is dated 08/02/2021 but the order was supplied to him on 05/05/2021 despite of several follow-ups as authenticated by the accompanying annexures in the affidavit.

The respondents defaulted appearance and had refused service as endorsed on their summons that they refused service arguing to have already won the case at the trial tribunal.

In that respect I take this application to have not been contested and I find the raised grounds for extension suffices as good cause for the delay. I thus agree with Mr. Joseph Mathias learned advocate who entered appearance for the applicant having hold the brief of Mr. Masendeka Ndayanse learned advocate that this application deserves to be granted. I grant the same and extend the applicant twenty-one (21) days from today within which to lodge his intended appeal. No orders as to costs.

It is so ordered

A handwritten signature in blue ink, appearing to read "A. Matuma", is written over a horizontal line.

A. Matuma

Judge

06/07/2021

Court: Ruling delivered in the presence of advocate Joseph Mathias for the applicant who is also present in person and in the absence of the respondents.

Sgd: A. Matuma

Judge

06/07/2021