

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(ARUSHA DISTRICT REGISTRY)
AT ARUSHA
MISC CIVIL APPLICATION NO. 68 OF 2020**

*(C/f Misc. Application No. 182 of 2018 District Land and Housing Tribunal for Manyara
Region at Babati From Judgment of Secheda Ward Tribunal No. 12 of 2018)*

KRISTINA BUNGE.....APPLICANT

VERSUS

SAMWEL BAHARESPONDENT

RULING

06/05/2021 & 28/07/2021

GWAE, J

On 17th September 2020, the applicant, **Kristina Bunge** filed this application for extension of time to file a petition of appeal against a ruling of the District Land and Housing Tribunal for Manyara at Babati delivered on the 30th March 2020. The impugned decision emanates from an application for execution of an award of Secheda ward tribunal.

When the matter was called on for hearing, the applicant appeared in person whereas the respondent was represented by Mr. Omari, the learned advocate. Mr. Omari questioned competence of this application by arguing that, this application is improper before the court since the applicant, in law, ought to challenge the decision of the DLHT by way of revision and not an appeal. The

applicant who is layperson insisted that she is after appealing against the DLHT's ruling.

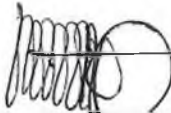
Looking at the applicant's chambers summons it is plainly clear as rightly argued by the respondent's counsel that the applicant is seeking an enlargement of time so that she can be able to file an appeal before this court. More so, when I look at the ruling of the DLHT, I find that the remedy available for an aggrieved party in an application for enforcement of a decree or award as the case may be, is to file an application for revision in a court or tribunal of a higher grade and not by a way of an appeal. That, being the position of the law, this application is improperly filed, thus incompetent.

Even if I would apply the principle of overriding objective, yet the applicant shall face another challenge when she files an appeal since the ruling sought to be challenged is not appealable.

Consequently, this application is struck out for being incompetent. I make no order as to costs

It is so ordered.




M. R. GWAE
JUDGE
28/07/2021