

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

**MISC. LAND APPLICATION NO. 10 OF 2021**

(Originating from Misc. Land Appeal No. 42 of 2020 High Court of Tanzania at Dodoma original Land Appeal No. 300 of 2018 of DLHT for Dodoma, from Land Case No 399 of 2018 Makutupora Ward Tribunal)

**MOLENI CHITEMA ..... APPLICANT**

**VERSUS**

**PETRO KAOZA .....RESPONDENT**

*22/7/2021 & 23/8/2021*

**RULING**

**MASAJU, J**

The Land Dispute No. 399 of 2018 between the Applicant, Moleni Chitema, and the Respondent, Petro Kaoza, before Makutupora Ward Tribunal was decided in favour of the Applicant. The Land Appeal No. 300 of 2018 by Respondent before the District Land and Housing Tribunal for Dodoma was not so successful. His Land Appeal No. 42 of 2020 to the Court (Mansoor, J) was successful, hence this Application by the Applicant for certification of a point of law so that she can appeal to the Court of Appeal of the United Republic of Tanzania on the point of law.

The chamber summons Application is made under Section 47 (3) of the Land Disputes Courts Act, [Cap 216 RE 2019] supported by the Affidavit

sworn by the Applicant herself in which the Applicant has deponed on the background and the reason for the application. In paragraph 6 of the Affidavit the Applicant states that there is a point of law involved in the decision by the Court which need to be determined by the Court of Appeal of the United Republic of Tanzania. That the point of law involved is *"whether it is a legal requirement for sale and purchase of unregistered land to be in writing and be registered"*

The decisions by the trial tribunal, the District Land and Housing Tribunal for Dodoma and the Court have been annexed to the Applicant's Affidavit alongwith a Notice of Appeal to the Court of Appeal of the United Republic of Tanzania.

When the Application was heard in the Court on the 31<sup>st</sup> day of May, 2021, the layman Applicant appeared in person. She adopted her chamber summons and the Affidavit thereto to form her submissions in support of the Application in the Court as she prayed the court to grant the Application.

The Respondent, in the service of the learned counsel, Mr. Thomas Ligola, did not contest the Application. That said, the court hereby certifies that there is a point of law involved in the intended appeal, hence the Application is hereby granted accordingly so that the point of law thus;

*"Whether it is a legal requirement for sale and purchase of unregistered land to be in writing and be registered"* can be considered by the Court of Appeal of the United Republic of Tanzania.

The parties shall bear their own costs accordingly.



GEORGE M. MASAJU

**JUDGE**

23/8/2021