

**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. 35 OF 2021**

(Arising from Land Appeal No. 93/2020 of the District Land and Housing Tribunal – Kigoma  
before F. Chinuku – Chairperson, Original Land Dispute No. 20/2020 of the Nyumbigwa  
Ward Tribunal)

**GEORGE NTAGERA ..... APPLICANT**

**VERSUS**

**SHABANI MADANDI ..... RESPONDENT**

**RULING**

12/10/2021 & 29/10/2021

**L.M. MLACHA, J.**

This is a ruling on an application for extension of time within which to file an appeal against the decision of the District Land and Housing Tribunal for Kigoma (the DLHT) made in Land Appeal No. 93/2020 (original Nyumbigwa Ward Tribunal, Application No. 20 of 2020). The applicant, Gorge Ntagera made it under section 38 (1) of the Land Disputes Courts Act, Cap 216 R.E. 2019. He also sworn an affidavit in support of the application stating the grounds upon which the application is made.

The respondent, Shabani Madandi was dully served and filed a counter affidavit in opposition. The applicant appeared in person and

made oral submissions in support the application. The respondent was represented by Mr. Hamisi Kimilomilo. He made a counter submission.

The grounds upon which the application is made are contained in paragraphs 3, 4, 5, and 6 of the affidavits. They are two, namely, that the applicant could not get a copy of the decision in time and two, illegalities of the decisions of the lower tribunals. The applicant explained the difficulties he got in the course of obtaining a copy of the decision of the DLHT. He could not speak of the illegality of the decisions of the lower tribunals for he is a lay man not versed in the law. Mr. Hamisi Kimilomilo objected saying that the applicant could not make a good follow up at the DLHT. Counsel submitted that the applicant could not show the receipt he got after purchasing the judgment. He could not show even a copy of the letter which he wrote to the DLHT to purchase a copy of the decision. Referring to section 14 (1) of the Law of Limitation Act as interpreted by this court in **Mwita Sagamo Nyakina v. Joyce Mange'ra Kamanga**, High Court Musoma, Miscellaneous Civil Application No. 5 of 2020, counsel submitted that where there is no sufficient cause for the delay, like in this case, the application should be dismissed.

I have considered the rival submissions. I have also studied the records closely. The affidavit in support of the application shows that the judgement was delivered on 15/4/2021 in favour of the respondent. It

also shows that the present application was filed on 6/7/2021, 82 days later. The appeal period for appeals originating from the Ward Tribunal as per section 38 (1) of the Land Disputes Courts Act, Cap 216 R.E. 2019 is 60 days. That means that it had expired on 14/6/2021, making a delay of 22 days.

The issue now is whether the applicant has advanced good reasons to justify the delay for 22 days. He says that he could not get a copy of the judgement in time. Counsel for the respondent says that the applicant could not make a good follow up but agree that the judgement was read from the Laptop. There was no hard copy at the time of delivery. We are not sure whether the Chairman was reading a judgment or an outline which he had created to lead him in the delivery of the judgment. We are also aware that the tribunal is loaded with cases over and above what can be handled by the two Chairman.

Having examined the circumstances of this case and the problems of obtaining copies of judgment and ruling at the DLHT which are well known to this court, I don't think that the delay for 22 days was excessive or caused by any negligence on the part of the applicant. I accordingly grant fourteen (14) days to the applicant within which to lodge his appeal to this court. It is ordered so. No order for costs.



  
L.M. Mlacha

**JUDGE**

**29/10/2021**

**Court:** Ruling delivered. Parties present. Right of Appeal Explained.



  
L.M. Mlacha

**JUDGE**

**29/10/2021**