

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE DISTRICT REGISTRY OF KIGOMA)

AT KIGOMA

(APPELLATE JURISDICTION)

MISC. LAND APPLICATION NO. 39 OF 2021

(Arising from Land Application No. 139/2017 of District Land and Housing Tribunal Kigoma,
before Hon. F. Chinuku - Chairperson)

MSIGWA SEZOYA RUKAZAGALA APPLICANT

VERSUS

YOSHUWA SEHOMA SEKISHAHU RESPONDENT

RULING

16/11/2021 & 16/11/2021

L.M. MLACHA, J.

Acting through the services of Mr. Silvester Damas Sogomba of Damas and Associates Advocates of Kigoma, the applicant, Msigwa Sezoya Rukazagala filed an application under section 38 (1) of the Land Disputes Courts Act, Cap 216 R.E. 2019 seeking extension of time within which to lodge an appeal to this court against the decision of the District Land and Housing Tribunal (the DLHT) made in Land Appeal No. 139 of 2017. The respondent, Joshuwa Sehoma Sekishahu was duly served and entered an appearance before me on 4/10/2021. He was ordered to file a counter affidavit by 13/10/2021. The matter was then put for hearing on 19/10/2021. He could not be seen in court on 19/10/2021 or file the counter affidavit. He is also not present in court today.

Mr. Silvester has asked the court to proceed ex parte. In view of the background, the court allowed the application to be heard ex parte.

I have heard Mr. Silvester. It is apparent from the pleadings and submissions made that the applicant was a party in Land Appeal No. 139/2017 but was not aware of the date of the judgement. It was decided on 1/10/2020 in his absence. He could not be notified. He got the reports on 4/5/2021 at the execution stage.

In view of this clear illegality on the face of the record, time is extended within which applicant can file an appeal of this court. I give him an additional period of two (2) weeks to lodge the appeal. It is ordered so. I make no order for costs.




L.M. Mlacha

JUDGE

16/11/2021

Court: Ruling delivered in chamber in the presence of the applicant and in the absence of respondent.




L.M. Mlacha

JUDGE

16/11/2021