

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE SUB-REGISTRY OF MWANZA  
AT MWANZA**

**MISC. LAND APPLICATION NO. 28 OF 2022**

*(Arising Land case No. 539 of 2017 from District Land and Housing Tribunal of Mwanza)*

**JOHN LUSIANO.....APPLICANT**

**VERSUS**

**SIMON MABULA ..... RESPONDENT**

**RULING**

*22<sup>nd</sup> June, 2022*

**KAHYOZA. J.:**

This is an application for extension of time to file an appeal. The record shows that the District Land and Housing Tribunal delivered its judgment on 19/11/2021 and certified the judgment on the 11/03/2022. Hence the judgment was available for collection from 11/03/2022.

The applicant was required to appeal within 45 days from the date of the judgment or from the date he was supplied with a copy of the judgment and decree. See Section 41(1) of the Land Dispute Act, [Cap. 216 R.E. 2019].

The Land Dispute Act is silent regarding the procedures for instituting an appeal from the District Land and Housing Tribunal, thus, the Civil Procedure Code, Act, [Cap. 33 R.E. 2019] (the CPC) has to apply. Rule 1(1) of Order XXXIX of the CPC provides that an appeal to the High Court must be

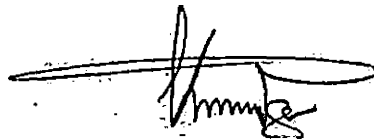
a accompanied by a copy a decree and judgment. For that reason, the applicant would not have appealed without the District Land and Housing Tribunal suppling him a copy of the decree and judgment.

It is undisputed that time spent to obtain a copy is excluded in computing time for lodging an appeal. See Section 19 of the Law of limitation Act, [Cap. 89 R.E. 2019]. The period of delay from 19/11/2021 to 11/03/2022 are excluded. It is on record that the appellant lodged the appeal on 22/04/2022. The appeal was lodged before the expiry of 45 days. It was lodged within time.

I find that the applicant lodged the appeal on time for reason there was no need to apply for extension of time. I strike out the application for extension of time as it is redundant. I make no order as to costs as the respondent did not appear.

It is so ordered.

**Dated at Mwanza, this day of 22<sup>nd</sup> June, 2022**



**J. R. Kahyoza  
JUDGE**

**Court :** Ruling delivered in the presence of the appellant. Mr. Sweetbert (SRMA) present.



A handwritten signature in black ink, appearing to read "Kahyoza", with a long horizontal stroke above it.

**J.R. Kahyoza**  
**Judge**  
**22/06/2022**