

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**  
**IN THE DISTRICT REGISTRY OF SHINYANGA**  
**AT SHINYANGA**

**LAND APPEAL NO. 57 OF 2021**

*(Arising from the District Land) and Housing Tribunal of Kahama in Land Application  
No. 46/2021)*

**MAYILA KIBANGO.....APPELLANT**

**VERSUS**

**1.GODWIN KABUDIDI KAFUKU**

**2.AGASI MASENYA**

}  
.....**RESPONDENTS**

**RULING**

21<sup>th</sup> April, 2022

**A. MATUMA, J.**

When this appeal came for hearing, the appellant and the respondents are all absent. In a strange manner the son of the appellant impersonated the appellant and was ready for hearing. I came to realize that he was not the appellant when I was questioning him whether he effected service to the respondents. It is when he replied that it was his father who went to serve the respondents. When asked him the name of his father he named Mayila Kibango who is the appellant herein. From such circumstances I asked him his name and it is when I discovered that he is Benard Mayila.

Benard Mayila fraudulently obtained the audience and addressed the Court that he was ready for hearing of this appeal purporting to be the appellant. That is wrong and against the law.

I however forgive him but proceed to treat the appellant as absent without any notice.

Furthermore there is no proof that the respondents are aware of this pending appeal against them.

I will therefore proceed as do hereby do, dismiss this appeal for want of prosecution and none – service to the Respondents.

This appeal is therefore dismissed for the herein above stated reasons.

No order as to costs.

It is so ordered.



  
**A. MATUMA**  
**Judge**  
**21/04/2022**