

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**IN THE DISTRICT COURT OF ARUSHA**

**AT ARUSHA**

**MISC. LAND APPLICATION NO. 38 OF 2022**

(C/F Misc. Application No. 283 of 2020 at the District Land and Housing Tribunal of Arusha, Originated from Application No. 2 of 2020 of Baraa Ward Tribunal)

**SANARE MEISEYEKI..... APPLICANT**

**VERSUS**

**GASPER MTUI.....RESPONDENT**

**RULING**

12.07.2022 & 28.07.2022

**N.R. MWASEBA, J**

This is a ruling in respect of an application for extension of time to file Revision out of time. The application was made by the applicant, Sanare Meiseyeki. It was brought under Section 14(1) of the Law of Limitation Act, Cap 89 R.E 2019. It is supported by an affidavit sworn by the applicant himself and contested with a counter affidavit sworn by the respondent.

The background of this application as briefly explained by the applicant in his affidavit are as follows; the applicant filed an application at Baraa Ward

Tribunal in Arusha which was determined in favour of the Respondent herein. Being aggrieved, he filed an application for extension of time to file his appeal out of time for the reason that he was late after being charged with criminal case No. 145 of 2020 which was determined on 29.07.2020. The District Land and Housing Tribunal of Arusha did not buy the said reasons as a sufficient reason for extension of time and proceeded to dismiss it for want of merit. Aggrieved, he preferred revision to this court, however, as he was late and the statutory time to file revision has been lapsed, he preferred the present application.

The application was argued by way of written submission following the prayers of the parties as they were both laymen with no legal representation, and the court granted their prayer.

Supporting his application, the applicant submitted that the only reason for his late filing of his appeal within the time was the late supply of copies of ruling and drawn order by the DLHT. The ruling was delivered on 08.02.2022 and the certified copy of the ruling was ready for collection on 04.03 2022 and the drawn order was supplied to him on 18.03.2022. At that time, he was already late for 39 days that's why he preferred the present application as the tribunal was the causation of delay. He cited the case of **Ramadhani Nyoni Vs M/S Haule and Company**

**Advocates** [1996] TLR 71 to support his arguments. So, he prayed for the application to be granted.

Responding to the submission made by the applicant, the respondent argued that the applicant failed to account for those days of delay and no sufficient cause was advanced to justify his delay. The reasons advanced at the DLHT that he was late due to prosecuting his criminal case is not a sufficient reason since the offence was bailable thus he was able to proceed with his case at DLHT. He submitted further that the applicant failed to account the days from the time he received certified copy of the ruling to the date of filing the present application. He buttresses his argument by citing the cases of **Lyamuya construction Company Ltd Vs Board of registered Trustees of Young Women's Christian Association of Tanzania**, Civil Application No. 2 of 2010 (Unreported) and **Tanzania Union Industrial and Commercial Workers (TUICO) Vs Mbeya Cement Company Ltd and Another** (2005) TLR 41. He prays for the application to be dismissed with costs.

Having considered the rival submission from both parties, the main issue for determination is whether the applicant adduced sufficient cause to warrant this court to extend the time a prayed.

**Section 14 (1) of Cap 89** of the laws provides that;

*“Notwithstanding the provisions of this Act, the court may, for any reasonable or sufficient cause, extend the period of limitation for the institution of an appeal or an application, other than an application for the execution of a decree, and an application for such extension may be made either before or after the expiry of the period of limitation prescribed for such appeal or application.”*

In view of the above cited provision of the law, the court will only extend their time upon being satisfied that a good cause has been advanced by the applicant. In our present application the applicant submitted that it was the DLHT which contributed to his delay for his late supply of the copies of Ruling and Drawn Order which was supplied to him after the statutory time to file revision has been lapsed.

**Section 38 (1) of the The Land Disputes Courts Act, Cap 216 R.E 2019** stipulates that:

*“Any party who is aggrieved by a decision or order of the District Land and Housing Tribunal in the exercise of its appellate or revisional jurisdiction, may within sixty days after the date of the decision or order, appeal to the High Court Land Division.”*

Reverting to the application at hand, at the DLHT a ruling was delivered on 08.02.2022. Counting from that day the sixty days (60) lapsed on 08.04.2022. The applicant received a certified copy of the ruling on

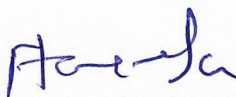
04.03.2022 and the copy of Drawn Oder was supplied to him on 18.03.2022. By that time the applicant was within the time to file his revision, more to that even the present application was filed within the time on 05.04.2022. For the said reasons the application was pre maturely filed.

For the foregone reasons and for the interest of justice since the applicant is a lay person with no legal representation, this court finds it prudent to allow the applicant to file his revision out of time. Thus, the applicant is given 30 days from the day of this ruling to file his revision. Each party should bear its own costs.

It is so ordered.

**DATED** at **ARUSHA** this 28<sup>th</sup> day of July, 2022.



  
**N.R. MWASEBA**

**JUDGE**

**28.07.2022**