

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

**(DODOMA DISTRICT REGISTRY)
AT DODOMA**

MISC. LAND APPLICATION NO.30 OF 20202

(Arising from the High Court of Dodoma in Land case Appeal No. 10 of 2020 and Originating from Application No. 2 of 2019 of the District Land and Housing Tribunal for Kondo, at Kondo)

HAWA HAMISI APPELLANT

VERSUS

**1. YUSUPH HUSSEIN GAU }
2. SANANE AMRI MOHAMED }RESPONDENTS**

EX-PARTE RULING

27/6/2022 & 28/7/2022

KAGOMBA, J.

HAWA HAMISI (the applicant) has filed her application to be granted leave to appeal to the Court of Appeal of Tanzania against the judgment of this Court delivered by Hon. Dr. A. J. Mambi, J in Land case Appeal No. 10 of 2020, which was delivered on 9/3/2022.

The application is made under section 47(2) of the Land Disputes Courts Act, [Cap 216 R.E 2019] and rule 45 (a) of the Tanzania Court of Appeal Rules, GN. No 368 of 2019 as amended by the Tanzania Court of Appeal (Amendment) Rules, 2017 GN No 362 of 2017 and any other enabling provision of the law.

The application is supported by the affidavit of the applicant stating the grounds upon which the order sought should be based.

The second respondent was reported dead and no legal representative entered appearance to oppose the application. The 1st respondent avoided service despite several efforts to call him to appear in Court. Hence the application proceeded *ex parte* by the order of this Court.

During hearing, the applicant fended for herself. Being a lay-person, she submitted briefly that she is aggrieved by the decision of this Court afore-mentioned, and she believe she has the right of ownership of the piece of 15 acres of land in dispute. She said that the land was given to her as dowry hence she wants to appeal to the Court of Appeal to fight for her right.

In the supporting affidavit, the applicant avers that there are points of law fit for consideration by the Court of Appeal. That, the point of law pertains to the issue of ownership of the land in dispute, locus standi of the 2nd respondent and the issue of visit to locus in quo.

Having perused the judgment of the Court which the appellant seeks to challenge, the cited issues of ownership, locus standi of 2nd respondent and visit to *locus in quo* were deliberated upon. For this reason, since the cited issues are matter of law and also involves analysis of evidence, I find there is good cause for granting this application so that

the highest Court of the land can have an opportunity to determine this matter conclusively.

For the stated reason above, the application for leave to appeal to the Court of Appeal is granted, accordingly. Costs to follow event in the appeal.

Ordered accordingly.

Dated at Dodoma this 28th day of July, 2022.




ABDI S. KAGOMBA
JUDGE