

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(DODOMA DISTRICT REGISTRY)
AT DODOMA**

MISC. LAND CASE APPLICATION NO. 75 OF 2021

(Arising from Application No. 10 of 2017 of the District Land and Housing Tribunal for
Kondoa at Kondoa)

MWANAHAMIS K. CHOBU APPLICANT

VERSUS

MAJENGO HAMISI SANDA (as administrator

Estate of the Late Hamisi Juma Sanda) **RESPONDENT**

RULING

4/7/2022 & 26/7/2022

MASAJU, J

The Applicant, Mwanahamisi K. Chobu, has filed in the Court a Chamber Summons Application made under section 41(2) of the Land Disputes Courts Act [Cap 216 R.E 2019] for extension of time for her to file an appeal against the decision of the District Land and Housing Tribunal for Kondoa at Kondoa in Land Application No. 10 of 2017 which was decided in favour of the Respondent, Majengo Hassan Sanda (An Administrator of the Estate of the Late Hamisi Juma Sanda. The Application is supported by an Affidavit affirmed by the Applicant herself.

The Respondent contests the Application. He filed a Counter Affidavit to that effect.

When the Application was heard in the Court on the 4th day of July, 2022 the Applicant was represented by Mr. Lucas Komba, the learned counsel, who prayed to adopt the Applicant's Affidavit to form part of the submissions in support of the Application. He prayed the Court to grant the Application for the main reason that the delay was occasioned by the delay in the appointment of the administrator.

On his part, the layman Respondent appeared in person and prayed to adopt his Counter Affidavit to form his submissions against the Application. He prayed the Court to dismiss the Application with costs.

That is what was shared by the parties in support of, and against the Application in the Court.

The reasons for the Applicant's delay in filing her intended appeal, if any, to the Court have been deponed in paragraphs 4, 5 and 6 of the Affidavit. The main reason being, thus;

" 6. That, the Applicant failed to lodge the appeal in time owing to the reason of the death of Hassan Hamisi Sanda who was former Administrator of Estate of the late Hamisi Juma Sanda and delays in appointing new Administrator of the Estate of the Late Hamisi Juma Sanda. Leave is craved refer to annexure marked "A2" as a part thereof."


The Applicant has attached a documentary proof, Annexure A2, which is a letter of appointment of the Respondent as an Administrator of the Estate of the late Hamisi Juma Sanda issued by Kondoa Urban Primary Court on the 6th day of October, 2021 in Probate and Administration of Estates Cause No. 16 of 2017.

The Respondent contested the Applicant's reason for the delay in filing the intended appeal generally but he did not controvert this particular reason. The Respondent neither stated whether the trial court's decision had already been executed.

That said, the Court finds the Applicant's reason for the delay in filing the intended appeal against the trial Tribunal's decision which was delivered on the 8th day of February, 2018 valid since there is documentary proof of the delay in appointing the Respondent as an administrator of the Estate the late Hamisi Juma Sanda after the first Administrator passed away.

The meritorious Application is hereby granted. The Applicant shall file the intended Application, if any, in the Court within 30 days of this Ruling. The parties shall bear their own costs.




GEORGE M. MASAJU

JUDGE

26/7/2022