

THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

(DISTRICT REGISTRY OF MTWARA)

AT MTWARA

MISC. CIVIL APPLICATION NO. 16 OF 2022

*(Originating from District Land and Housing Tribunal for Lindi at Lindi in
Landi Application Case No. 5 of 2022)*

ESHA JUMA SALUM..... APPLICANT

VERSUS

ABEID SAID ABUA.....RESPONDENT

RULING

Applicant filed present application on 13 July, 2022. Juma Hamisi Liwondo, holding special power of Attorney, represented applicant. On 1st August 2022 when the application was set for mention, by consent hearing was set to be today 8th September 2022. Surprisingly applicant is not represented. 2nd Respondent told this court that, this is a long-time dispute, stated way back in 2020. Respondent requested this court to dismiss application for want of prosecutions. It is on record that, applicant representative Juma Hamisi Liwondo on 6th September, 2022 wrote a letter titled: -

Taarifa ya Kutohudhuria kwenye shauri/ maombi No. 16/2022, siku ya Alhamisi 08/09/2022.

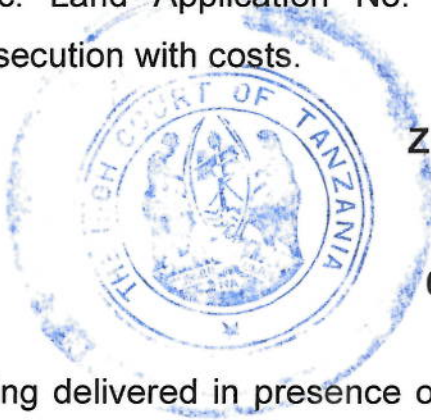
Invitation Letter was written on 2nd September 2022 while the order for hearing today was issued on 1st August 2022, one month before



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appellant representative letter. More, so, the said letter was not copied to the respondents. Hearing was set by consent, of both parties, appellant representative being one of them but he is absent. Once order for hearing is set, parties have to appear as ordered. Court orders has to be adhered and complied with. None compliance of court orders, not only is a disrespect but create chaos on entire admission of justice.

I understand, doors of the court must be wide open for furtherance of interest of justice, but not to the extent of allowing sloppiness. Whoever knocks the door of court must be ready to prosecute otherwise; court will not allow parties to come to court as when they feel so. Failure to appear by the applicant representative, is failure to prosecute. In the up short, Misc. Land Application No. 16 of 2022 is dismissed for want of prosecution with costs.




Z. G. Muruke

Judge

08/09/2022

Ruling delivered in presence of respondents and in the absence of the applicant




Z. G. Muruke

Judge

08/09/2022