

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

MISC. LAND APPLICATION NO. 33 OF 2020

(Originating from Shinyanga District Land and Housing Tribunal in land Appl. No. 35 of 2017)

PANCRAS MAGANGA..... APPLICANT

VERSUS

KIJA MPONEJA.....RESPONDENT

RULING

14th March, 2022

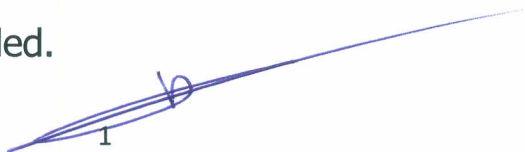
MATUMA, J.

This application having not been opposed by the respondent's counsel, I find it better to allow it. In fact the applicant has found himself in trouble on technical basis. Having been aggrieved by the decision of the lower tribunal he timely appealed to this court.

When his appeal was ready for hearing, it is when it was discovered that the decree accompanying the appeal was defective and therefore, he was to withdraw his appeal for incompetences to make follow up of the rectification of the decree.

It is through the problems of making the follow up of the proper decree the applicant found himself extremely out of time to appeal.

The interest of justice requires his application to be granted so that he can be heard on appeal. The fault was not his but of the lower tribunal to issue him with the defective decree which necessitated him to withdraw his appeal which was timely filed.



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The applicant is therefore granted twenty one days from today within which to lodge his intended appeal. For clarity the time so extended starts to count today. No order as to costs.

It is so ordered.




A. MATUMA
Judge
14/3/2022