

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

MISCELLANEOUS LAND APPLICATION NO. 37 OF 2020

(Originating from District Land and Housing Tribunal of Shinyanga in Land Application. 34/2012)

MALENDEJA MANG'OMBEAPPLICANT

VERSUS

**1. NYANZOBE LUTEMA
2. SUZANA LUTEMA**

RESPONDENTS

RULING

17 March, 2022

A. MATUMA, J.

When this application come for hearing, the applicant's advocate Mr. Mvungi conceded to the Preliminary Objection previously raised by the respondents to the effect that this Registry has no territorial jurisdiction to entertain this application for extension of time to apply for setting aside the exparte judgement entered by the High Court, Tabora registry.

I agree with both parties that, since the main suit was filed and fully determined in the District Registry at Tabora, it is the High Court of Tanzania at Tabora which can hear the application for extension of time and even that of setting aside the exparte judgment.

The impugned judgment is not within our registers at Shinyanga and therefore we cannot hear and determine anything tending to disturb the entries in the register at Tabora.

The applicant should therefore file their application at Tabora and if the hearing of parties is more convenient at Shinyanga than Tabora, we are ready to hear them but upon being assigned the same by the Judge Incharge of Tabora upon consultation in which we shall hear the matter not as of this Court but of Tabora Registry

At the end of the day, we will have to remit the records to Tabora for their update in the register.

I therefore dismiss this application for want of jurisdiction. No orders as to costs.

It is so ordered




A. MATUMA K
Judge
1/03/2022