

IN THE HIGH COURT OF TANZANIA

(MTWARA DISTRICT REGISTRY)

AT MTWARA

MISC. LAND APPLICATION NO 01 OF 2022

*(Originating from the High Court of Tanzania in Land Appeal No. 16 of 2021 and DLHT
for Mtwara in Land Application No. 101 of 2018)*

NURDIN YUSUFU SUNDUVA.....APPLICANT

VERSUS

HAWANA BILISHI MKAYAKARESPONDENT

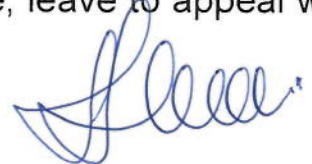
RULING

Muruke, J

Nurdin Yusufu Sunduva filed an application for this court to be grant leave to appeal to the court of appeal. Application is supported by an affidavit of applicant himself. One of the issues raised at paragraph 5 (iii) of applicant affidavit is

***Whether person who is not an administrator of deceased estate can
be believed by the court to claim that he was clan traditional
administrator.***

Having considered the above submission and the applicant's affidavit in support of the application, the issue is whether leave to appeal to the Court of Appeal should be granted. It is to be noted, that leave to appeal is not automatic. It is within the discretion of the court to grant or refuse it. The discretion must, however be exercised judiciously and on basis of the material before the court. As a matter general principle, leave to appeal will

 1

be granted where the grounds of appeal raise issues of general importance or a novel point of law or where the ground show a prima facie or arguable appeal.

To this court, issue raised at paragraph 5(iii) above is an issue of law, that need to be determined by the Court of Appeal. Thus, application granted. Applicant is granted leave to appeal to the Court of Appeal.



A handwritten signature in blue ink, appearing to read "Z. G. Muruke".

Z. G. Muruke

Judge

02/11/2022

Ruling delivered in the presence of applicant in person and in absence of respondent.



A handwritten signature in blue ink, appearing to read "Z. G. Muruke".

Z. G. Muruke

Judge

02/11/2022