

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

MISC. LAND APPLICATION NO. 60 OF 2021

(Arising from the decision and/or Order of the District Land and Housing Tribunal for Singida in
Misc. Land Application No. 211 of 2019 (Before Hon. E. F. Sululu dated 23/12/2019))

SHABANI NJOGHOMI..... APPLICANT

VERSUS

DANIEL NKHOMEERESPONDENT

17/10/2022 & 7/11/2022

RULING

MASAJU, J

This Chamber Summons Application by the Applicant, Shaban Njoghomi, is pitted against the Respondent, Daniel Nkhomee, for leave to file Land Revision case out of time against the decision/Ruling and Decree of the District Land and Housing Tribunal for Singida in Misc. Land Application No. 211 of 2019, which decision was delivered on the 23rd day of December, 2019.

The Application is made under section 14(1) of the Law of Limitation Act [Cap 89 RE 2019] supported by the Affidavit affirmed by the Applicant himself. The Affidavit gives the background and the reasons for the

Application. The Application was filed in the Court on the 8th day of September, 2021 about one year and nine months since when the decision which is being sought to be contested by way of Revision was made.

The Applicant deposed in the 7th paragraph of the Affidavit that even when he became aware of the *ex-parte* execution order, he refrained from taking further legal action because allegedly he fell ill for longtime, hence the delay for taking action to set aside the *ex parte* decision for execution. The applicant acknowledges in paragraph 3 of the Affidavit that he had lost his Land Case Appeal No. 16 of 2018 to the Respondent in the District Land and Housing Tribunal for Singida upon his losing of Land Case No. 4 of 2018 between the parties before Mkiwa Ward Tribunal.

Even after losing the Appeal in the in the District Land and Housing Tribunal for Singida, the Applicant does not testify that he attempted to appeal to the Court. Neither the Applicant supplies the Court with medical reports/chits as proof of being sick and undergoing medical treatment during the time he missed the time line for applying to set aside *ex parte* execution order.

The Respondent contests the Application and there was Counter Affidavit affirmed by his learned counsel, Mr. Hemed Kulungu, to that effect.

The Application was heard in the Court in the presence of the Respondent and his learned counsel, Hemed Kulungu and in the absence of the Applicant but his learned counsel Mr. Lucas Komba.

The parties adopted their pleadings (Affidavit and Counter Affidavit) thereof to form their submissions in support of, and against the Application in the Court. The Applicant prayed the Court to grant the Application while the Respondent prayed the Court to dismiss the Application with costs accordingly.

The Court is of the considered position that the Application lacks merit for want of proof of the reasons for the inordinate delay. The Application is therefore hereby dismissed for want of merit.

The parties shall bear their own costs accordingly.




GEORGE M. MASAJU

JUDGE

7/11/2022