

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

MISC. LAND APPLICATION NO. 27 OF 2021

(Originating from Misc. Application No. 86 of 2020 of Mbulu District Land and
Housing Tribunal at Dongobesh)

PASKALINA MEKABA..... APPLICANT

VERSUS

SIGHIS QAMUNGA..... RESPONDENT

EX PARTE RULING

19.04.2022 & 28.04.2022

N.R. MWASEBA, J.

This is a ruling in respect of an application for leave to file an appeal in the High Court out of time. The application is made under Section 14 (1) of the Law of Limitation Act, Cap 89 of the laws. It is supported by an affidavit sworn by the applicant herself.

The background to this application has amply been explained by the applicant in the supporting affidavit. Suffice it to say that the District

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Land and Housing Tribunal of Mbulu at Dongobesh delivered its ruling in respect of Misc. Application No. 86 of 2020 on the 11th day of February 2021. Being aggrieved by the decision, the applicant wrote a letter to the tribunal in order to be supplied with a copy of the ruling on the 13th day of February 2021. However, the said copies were availed to her on the 30th day of March, 2021. By that time, the period within which to file an appeal had already lapsed and without the said copies she could not be able to file any effective grounds of appeal.

The application was argued before me on 19.04.2022 whereby Mr Patrick J. Amri, learned advocate represented the applicant. The application proceeded *ex parte* since the respondent did not enter appearance despite being duly served with a court summons on the 10th day of September, 2021.

Arguing in support of the application, Mr Amri reiterated what was submitted in their affidavit supporting the application and added that the applicant was not negligent since they were late for only two days and they could not file it without the leave of the court. Thus, they prayed for the application to be granted.

I have keenly considered the arguments raised by the applicant's counsel and my argument is as follows. Rightly, an application of this

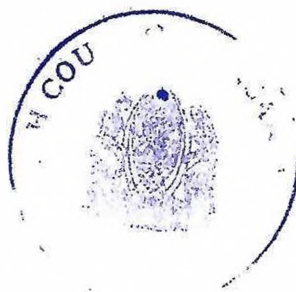
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wrote a letter to be supplied with copies of the said ruling, however it was supplied to her on the 30th day of March, 2021 after the statutory time to file an appeal has already lapsed. So, the stated reason proves that the applicant was not negligent in pursuing his appeal but rather it was the technical delay contributed by the District Land and Housing Tribunal of Mbulu at Dongobesh.

In the end, this application for extension of time within which to file an appeal to the High Court is hereby granted. The same to be filed within thirty days (30) from the date hereof.

Ordered accordingly.

DATED at **ARUSHA** this 28th day of April, 2022.



N.R. MWASEBA

JUDGE

28.04.022