

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

AT TABORA

MISC. LAND APPLICATION NO. 18 OF 2021

*(Originated from Itetemia Tribunal in Land Dispute No. 01/2019 and
Arising out from Land Appeal No. 21/2019 of the District Land and
Housing Tribunal for Tabora before Hon. Waziri M.H)*

HUSSEIN IDDY HAMIS.....APPLICANT

VERUS

RAMADHANI MOHAMEDRESPONDENT

RULING

Date: 16/02/2022&25/2/2022

BAHATI SALEMA, J.:

The applicant named HUSSEIN IDDY HAMIS instituted this application under section 38 (1) of the Land Dispute Court Act, Cap. 216 [R.E 2019] seeking for the orders of extension of time to file an appeal out of time and any other order this Court may deem fit to grant

The grounds as deposed in the affidavit upon which an extension of time is sought are paraphrased into two grounds as follows: -

- 1. That, the tribunal delayed supplying him with a copy of the judgment until he used force in issuing a copy of the judgment and he wrote a letter to be supplied on 06/04/2021 and he got on 05/05/2021 having a copy of judgment and decree he started to find legal assistance to an advocate and lawyers whereas they had advised him to prepare an application as the time where I supposed to file an appeal elapsed the same. Hence time to appeal elapsed the same.*

In his counter-affidavit, the respondent Ramadhan Mohamed vehemently disputed the application assertions and required him to strictly prove therefrom.

When the application was called for hearing, the applicant was represented by Mr. Ally Maganga, learned counsel whereas the respondent appeared in person unrepresented.

Submitting in support of the application Mr. Maganga reinforced the applicant's averments that the District Land and Housing Tribunal failed to provide the applicant with copies of the judgment and decree on time, documents which are vital in appeals.

In reply, no objection was raised against the applicant's submission rather, the respondent rested his case for the court to decide.

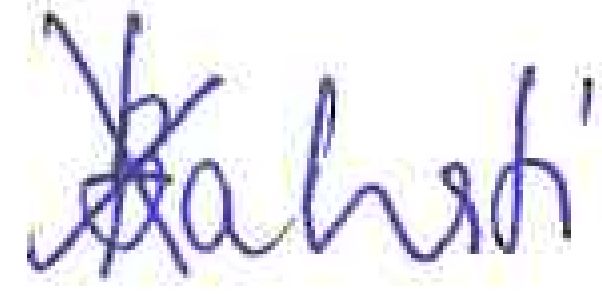
Of all the reasons laid down by the applicant, the major one is that the delay was caused by the failure of the tribunal to supply him with a copy of the judgment which would enable him to file an appeal to this court on time.

Upon perusal of the court records, I am satisfied with the reason advanced by the applicant that the delay in filing his appeal was caused by the failure of the District Land and Housing Tribunal to supply him with the necessary documents to file his appeal to this Court despite all the efforts he made.

In view of the aforesaid and since there is no objection on the part of the respondent, I agree that the applicant has demonstrated sufficient reasons warranting the grant of the application.

In the end, the application is granted; the applicant is now at liberty to file the respective appeal not later than forty-five (45) days from the date of this ruling. Costs to follow the event.

Order accordingly.



A. BAHATI SALEMA

JUDGE

25/2/2022

Ruling delivered under my hand and seal of the court in the Chamber, this 25th day of February, 2022 in the presence of both parties.



A. BAHATI SALEMA

JUDGE

25/2/2022

Right to appeal is hereby explained.



A. BAHATI SALEMA

JUDGE

25/2/2022