

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

MISC. LAND APPLICATION NO. 44 OF 2021

MUSSA A. MSASU.....APPLICANT

VERSUS

MARIAM MONKO..... RESPONDENT

(From the Ruling of High Court of Tanzania, Dodoma- Siyani,J.)

Dated 27th day of May, 2021

In

Land Appeal No.35 of 2019

.....

RULING

19th May, 2022

MDEMU, J:.

This is an application for review of the decision of this court (Siyani J.)delivered on 27th of May 2021 dismissing the appeal of the Applicant for being time barred. The application was by way of chamber summons supported by the affidavit of the Applicant affirmed on 17th of June, 2021.

According to the affidavit, the Applicant herein moved the District Land and Housing Tribunal of Singida in Land Application No.92 of 2016, so that he be granted extension of time to appeal to that tribunal challenging the

decision of Ilongero Ward Tribunal. The said Ward Tribunal declared the Respondent herein Mariam Monko the rightful owner of the suit land.

Today the 19th of May, 2022, the Applicant appeared before me arguing the application ex-parte following default of appearance of the Respondent after proof of service. In his submissions and also as per affidavit in support of the application, the Applicant stated that, on 22nd of November, 2018, this Court (Mansoor J.) granted leave to the Applicant to appeal to this Court. The Applicant stated to have complied with the order by lodging his appeal on 19th of December, 2018. He thus urged me to allow the application.

Having heard the Applicant, it is on record that, in Miscellaneous Land Application No. 80 of 2018, this Court (Mansoor J.) extended time to the Applicant to appeal to this Court to challenge the decision of Singida District Land and Housing Tribunal which refused his application for extension of time. As said, the Applicant's move to the District Land and Housing Tribunal was none but to have leave of the DLHT to challenge the decision of Ilongero Ward Tribunal, in Land Application No.23 of 2015 declaring the Respondent the owner of a suit land located at Ilongero.

On that account, this Court dismissed the Applicant's appeal being time barred in ignorance of the order of this same court extending time to the Applicant to appeal to this same court. Counting from 22nd November, 2018 when leave to appeal was granted to 19th December 2018 when he filed his appeal, the same was filed within thirty (30) days being time extended in the order. On that stance, this application is hereby allowed. Land Appeal No. 35 of 2019 is accordingly restored.

It is ordered accordingly.



Gerson J. Mdemu

JUDGE

19/05/2022

DATED at DODOMA this 19th day of May, 2022



Gerson J. Mdemu

JUDGE

19/05/2022.