

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

MISC. LAND APPLICATION NO. 11 OF 2020

(Arising from the decision of the Land and Housing Tribunal for Singida at Singida in
Land Application no. 23/ of 2016 dated 08/10/2018)

ABDALLAH LIHADA APPLICANT

VERSUS

SELEMANI LISSU RESPONDENT

RULING

6/5/2022 & 13/5/2022

MASAJU, J

The Applicant, Abdallah Lihada, filed in the Court a Chamber Summons Application made under section 14 (1) of the Law of Limitation Act [Cap 89] seeking leave of the Court to file appeal against the decision of the District Land and Housing Tribunal for Singida at Singida in Land Application No. 23 of 2016 which was decided in favour of the Respondent, Selemani Lissu. The Application is supported by the Affidavit affirmed by the Applicant himself.

The Respondent contests the Application. He filed a Counter Affidavit in the Court to that effect.

When the Application was heard in the Court on the 6th day of May, 2021 the parties appeared in the Court unrepresented and prayed to adopt their Affidavit and Counter Affidavit respectively in support of and against the Application accordingly.

The reason for the Applicant's delay in filing his intended appeal is deponed in paragraphs 3,4,5,6 and 7 of the Affidavit. That, the decision of the trial Tribunal was delivered on the 8th day of October, 2018. That, the Applicant was supplied with the certified copy of the trial Tribunal's decision and the decree thereof on the 4th day of March, 2019. The Applicant was advised by the Tribunal's clerk to file his intended appeal in the trial Tribunal and he filed the same on the 5th day of April, 2019. That, after several unsuccessful follow ups at the trial Tribunal, the Applicant came to the Court where he came to notice that he was misdirected by the trial Tribunal's clerk hence the Application for extension of time in the Court.

The Applicant attached the trial Tribunal's decision and the decree thereto which was extracted on the 4th day of March, 2019 as alleged, as well as the bill of payment for the alleged Petition of Appeal filed in the trial Tribunal on the 5th day of April, 2019.

The Court is of the considered position that the Applicant made efforts in filing his intended appeal as he has deponed in his Affidavit. These actions by the Applicant qualify for sufficient cause in terms of section 14 (1) of the law of Limitation Act, [Cap 89]. Thus, it would be unjust to deny the Applicant the right to file his intended appeal, if any, in the Court in the extended time.

That said, the meritorious Application is hereby granted accordingly. The Applicant shall file his intended Appeal, if any, in the Court within 45

days from the date of this Ruling. The parties shall bear their own costs accordingly.



GEORGE M. MASAJU

JUDGE

13/5/2022