

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

LAND APPEAL CASE NO.86 OF 2021

*(Arising from the Decision of the District Land and Housing Tribunal Application
No.100 of 2020 delivered on 08/09/2021)*

ANDERSON MITAMBO SANGA.....APPELLANT

VERSUS

ADAM MITAMBO SANGA.....1ST RESPONDENT

AKIBA COMMERCIAL BANK PLC.....2ND RESPONDENT

RULING

Date of last Order: 19/05/2022

Date of Ruling: 19/05/2022

MONGELLA, J:

On 6th April 2022, the appellant appeared through his wife, one Anna Mwashabwa. The 2nd Respondent appeared through its advocate, Mr. Kamru Habibu. As requested by the parties, the Court ordered for the appeal to be argued by written submissions. In respect thereof, the scheduled orders were to the effect that: the appellant was to file his submission in chief on or before 27th April 2022; the respondents were to file their written submissions on or before 11th May 2022;



Rejoinder, if any, by the appellant was to be filed on or before 18th May 2022. Necessary orders were scheduled on 19th May 2022, which is today.

As presented by Mr. Felix Kapinga, learned advocate for the 2nd respondent, no submission in chief was filed by the appellant and served to them. Mr. Kapinga, in the circumstances, argued that the matter should be dismissed as the appellant has obviously lost interest in pursuing the appeal.

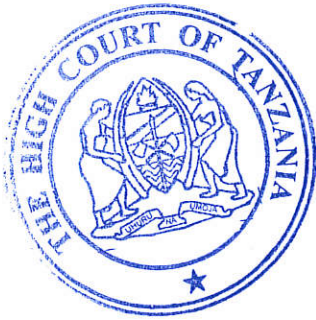
I have gone through the case file and found no submission filed by the appellant as ordered by the Court. It is clear that the appellant has defaulted to adhere to the Court orders and has never bothered to communicate to the Court on what befell him rendering him not to comply with the scheduled orders. He has as well not entered appearance in this Court on today's session.

The law is settled to the effect that non – filing of written submissions as ordered by the Court is tantamount to non- appearance on the date of hearing; the consequence thereof being dismissal of the matter of want of prosecution. See: **Harold Maleko vs. Harry Mwasanjala**; DC Civil Appeal No.16 of 2020 (HC at Mbeya, unreported); **Geofrey Chawe vs. Nathaniel K. Chawe**, Misc. Civil Application No.22 of 1998; **Olam Tanzania Limited vs. Halawa Kwilabya**, DC Civil Appeal No.17 of 1999; **P3525 LT Idahya Maganga**



Gregory vs. The Judge Advocate General, Court Martial Criminal Appeal No.2 of 2002 (unreported).

In the premises, I am in agreement with Mr. Kapinga that the appellant has obviously lost interest in pursuing his appeal before this Court. Consequently, the appeal is hereby dismissed with costs, for want of prosecution.



L.M. Mongella
L.M. Mongella

Judge

19/05/2022