

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(DODOMA DISTRICT REGISTRY)

AT DODOMA

MISC. LAND APPLICATION No. 97 OF 2022

(Arising from Misc. Land Application No.26 of 2022 before the High Court of
Dodoma)

**DAUDI KIJANGAI (Administrator of the estate of the
late Kijangai Ghumpi)APPLICANT**

VERSUS

PASKALI MIANGA.....RESPONDENT

RULING

20/2/2023 & 23/2/2023

MASAJU, J.

The Applicant, Daudi Kijangai, is applying before this Court for an order to be impleaded in Miscellaneous Land Application Case No.26 of 2022 as the Respondent therein since he is the Administrator of the estate of his late father, Kijangai Ghumpi, formerly the Respondent in Miscellaneous Land Application Case No.26 of 2022 which is pending against the Respondent, Paskali Mianga, who is the Applicant in Misc. Land Application No. 26 of 2022 in the Court.

The application is brought by a Chamber Summons made under Order XXII Rule 4(1) of the Civil Procedure Code, [Cap 33 R.E 2019] and it is supported by the sworn Affidavit of the Applicant himself. The Affidavit gives the background and the reasons for the application. The Respondent did not file a Counter Affidavit.

When the application was called for mentioning before the Court on the 20th day of February 2023, Mr. Godfrey Wasonga, learned counsel appeared for the Applicant whilst Mr. Lucas Komba, learned counsel appeared for the Respondent. The Applicant stated that the Respondent has earlier informed him that he does not intend to contest the application thus prayed for hearing of the application on the same date. The Respondent then confirmed the Applicant's statement and prayer. Hence, the application was heard in the Court instead of just being mentioned on that particular day.

The Applicant prayed to adopt the Chamber Summons and the Affidavit to form his submissions in support of the application in the Court as he prayed the Court to allow the application accordingly. The Respondent submitted that he does not oppose the application, that is why he had not filed a Counter Affidavit. Rejoining, the Applicant

appreciated the Respondent's submissions and maintained his submissions in chief.

In consideration to "Annexure DK-1" (comprising a copy of the decision of the Primary Court of Singida appointing the Applicant as the Administrator of the estate of the late Kijangai Ghumpi plus the Affidavit therein of faithful Administration of the estate issued to him by the Primary Court of Singida) in the Applicant's Affidavit and the consensus by the parties in regard to the merits of the application, the Court sees no good reason to deny the uncontested application.

Thus, the meritorious application is hereby granted under Order XXII Rules 4 (1) and 11 of the Civil Procedure Code, [Cap 33 RE 2019]. Accordingly, the Applicant, Daudi Kijangai, herein is hereby impleaded as the Respondent in the pending proceedings of Miscellaneous Land Application No.26 of 2022 as the administrator of the estate of the late Kijangai Ghumpi. The parties shall bear their own costs accordingly.



GEORGE. M. MASAJU

JUDGE

23/2/2023