

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

MISC. LAND APPLICATION NO. 30 OF 2022

(Arising from the District Land and Housing Tribunal for Kigoma, Misc. Land Application No. 164 of 2021, originating from Bangwe Ward Tribunal Land Case No. 41/2017)

HAMIS RAFU APPLICANT

VERSUS

NYIJUR BARNABAS1ST RESPONDENT

KIZA ALMAS MKOKO2ND RESPONDENT

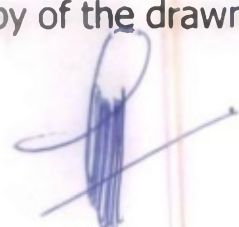
RULING

6/3/2023 & 10/3/2023

L.M. Mlacha,J

This is a ruling on application for extension of time within which the applicant, Hamis Rafu could file an appeal against the decision of the District Land and Housing Tribunal for Kigoma (the DLHT) made in Miscellaneous Land Application No. 164 of 2021. The respondents in the application were Nyijur Barnabas and Kiza Almas Mkoko.

It is a fact not disputed that the decision of the DLHT was made on 29/7/2022. Mr. Kagashe who represented the applicant says that he got a copy of the ruling on 15/8/2022 but could not get a copy of the drawn order



which is a necessary document for lodging an appeal. He got it on 15/9/2022, 4 days after the expiry of the period of appeal. He spent some 4 days later to lodge the application.

He is seeking extension arguing that the delay was just for 4 days and it was not caused by the applicant but the DLHT which could not supply a copy of the drawn order in time.

Ms. Dotto Banga who represented the first respondent and the second respondent who appeared in person opposed the application. Their main reason was that the application if allowed will prejudice the application for revision now pending before the DLHT which was lodged following the ruling which is subject to this appeal. Mr. Kagashe could not agree with them in his rejoinder.

I have examined the matter carefully. I think this matter should not detain us so long as it is not disputed that there was a delay in the supply of a necessary document needed for lodging the appeal. Further, the applicant did not sleep at home. He lodged his application within 4 days which was a reasonable time. I see no reason for not granting the application which is granted accordingly. The applicant is given 14 days within which to lodge his appeal. It is ordered so. No order for costs.



Dated at Kigoma this 10th March 2023.



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L.M. Mlacha

Judge

10/3/2023

Court: Ruling delivered. Right of appeal Explained.



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L.M. Mlacha

Judge

10/3/2023

ORIGINAL