

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(IN THE SUB-REGISTRY OF MANYARA)**

AT BABATI

LAND APPEAL NO. 48 OF 2023

(Originating from Land Application No. 10 of 2023 District Land and Housing Tribunal for Mbulu at Dongobesh)

ANNA ZAKARIA.....APPELLANT

VERSUS

RENIEL MARTHINI.....RESPONDENT

Date of last order: 14/11/2023
Date of Judgement: 22/02/2024

JUDGEMENT

MAGOIGA, J.

The appellant, **ANNA ZAKARIA** aggrieved with the decision of the District Land and Housing Tribunal for Mbulu at Dongobesh (trial Tribunal) in Land Application No. 10 of 2023 preferred the instant appeal with two grounds of appeal which I will not reproduce them here for reasons to be apparent later in this judgement.

It is on record that this court had on 16/10/2023 ordered the appeal be disposed of by way written submissions as prayed by the appellant and



conceded by the respondent. The record is loud and clear that the appellant was required to file her written submissions on or before 30/10/2023, while the respondent was to file his submission on or before 7/11/2023, and rejoinder, if any, was to be filed on or before 14/11/2023.

It is on record that the appellant filed her submission on 3/11/2023 as per the exchequer receipt No. 24529266 contrary to the court's order without seeking an extension of time.

It follows, therefore, that the appellant defied court's order which amounts that the appeal was not argued at all. In the case of **Shaban Amuri Sudi (the administrator of the estate of the late Amuri Sudi v Kazumari Hamis Mpala** Land Application No. 30 of 2019 (unreported) in which this court pointed out that:

"Court orders must be respected, obeyed and complied with religiously. Likewise, court proceedings are controlled by the presiding judge or magistrate, parties cannot decide to do contrary to the court order. Tolerating them will amount to



voluntary invitation to judicial chaos, disrespect and injustice.”

Since the appellant disobeyed the court's orders, the filed submissions out of time without court's leave are of no use and cannot be considered at all in this appeal. It is settled law that failure to file written submission in support of any matter, it tantamount to failure to appear on the date the matter is fixed for hearing. The remedy is to have the matter dismissed for want of prosecution.

Consequently, the instant appeal is dismissed for want of prosecution. In the circumstance, I order that each party should bear its own costs.

Order accordingly.

Dated at Babati this 22nd day of February 2024



A handwritten signature in black ink, consisting of a series of vertical, wavy lines that form a stylized 'S' and 'M' followed by a horizontal line extending to the right.

S. M. MAGOIGA

JUDGE

22/2/2024