

**THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
(IRINGA SUB - REGISTRY)
AT IRINGA**

LAND APPEAL NO. 12 OF 2023

*(Originating from the District Land and Housing Tribunal for Iringa at Iringa
in Land Application No. 238 of 2022)*

ASHERI GWIMILE.....APPELLANT

VERSUS

DEODATUS RUTAGWERELARESPONDENT

RULING

11/3/2024

LALTAIKA, J.:

Dissatisfied by the decision of the District Land and Housing Tribunal for Iringa at Iringa in Land Application No. 238 of 2022, the appellant herein **ASHERI GWIMILE** preferred this appeal by way of a Memorandum of Appeal. It has been one year since the said memorandum was filed in this Court on the 16th of March 2023.

According to the court file, the appeal was scheduled for mention for the first time on 27th March 2023 whereupon neither the Appellant nor the Respondent entered appearance. It was adjourned to the 24th of April 2023 where the Appellant appeared without legal representation and the Respondent was absent. The same scenario was recorded by the Honourable Deputy Registrar on the 6th of June 2023 and by His Lordship Mugeta J on the 18th of July 2023.

It appears further that for four more rounds namely 24/8/2023, 12/10/2023, 16/11/2023 and 12/12/2023 neither the appellant nor the respondent appeared. Moreover, since the case file was assigned to me and in spite of the benefit of the doubts given to parties on 15/2/2024, 4/3/2024 and today 11/3/2024 neither party appeared.

What happens in the case at hand is akin to what happened in the case of **STEELCOM LIMITED VS. ISMAIL ISSA MBAGO AND 30 OTHERS**, Labour Revision Application No. 274 of 2019, where this court held that:

"From the records, the applicant [read appellant] has lost interest in prosecuting this matter, not only on the grounds of non-appearance but also due to failure to serve the respondent as ordered by the court on 23rd April 2019. This court cannot keep adjourning this file and returning the same to the court shelves. The applicant has turned this court into a library of his client case file. Court duty is to hear and determine disputes. The applicant's non-appearance is glaring proof of a lack of interest in prosecuting the case."

Having provided the applicant with the benefit of the doubt regarding interest in prosecuting his appeal, both common sense and administrative

prudence dictate that this matter is ripe for dismissal for want of prosecution. Premised on the above, **LAND APPEAL NO. 12 OF 2023** is hereby dismissed for want of prosecution.

It is so ordered.



E.I. Laltaika

E.I. LALTAIKA
JUDGE
11. 03. 2024

Court

Ruling delivered under my hand and the seal of this Court this 11th day of March 2024 in the absence of both parties.



E.I. Laltaika

E.I. LALTAIKA
JUDGE
11. 03. 2024