

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF  
TANZANIA**

**(LAND DIVISION)**

**AT DAR ES SALAAM**

**MISC CIVIL APPLICATION NO. 336 OF 2018**

*(Arising from High Court Land Case No. 83 of 2013)*

**RASHID SALUM MINTANGA .....1<sup>ST</sup> APPLICANT**

**RIMINA AUCTION MART & CO LTD .....2<sup>ND</sup> APPLICANT**

**BAHDUR DEWJI & DEWLO.....3<sup>RD</sup> APPLICANT**

**VERSUS**

**LUMEME RAJABU MABILA .....RESPONDENT**

**R U L I N G**


**BEFORE: MAIGE, J**

In this application, the applicants are being represented by Mr. Mtinginjola, learned advocate and the respondent Mr. Daibu Kambo, learned advocate. In pursuit of the Court order, they have filed written submissions for and against the application. I have appropriately considered the same.

The application at hand is for leave to appeal against the judgment of this Court on trial. It is made under section 47(1) of the Land Courts Disputes Act, (Act No. 2 of 2002). The application, it would appear, was lodged on 6<sup>th</sup> June 2018. Perhaps, at the time of the lodging of the application or soon before, leave to appeal was a precondition for an appeal against a decision of the High Court on trial. The position has however now changed. For, in accordance with the amendment brought by Act No. 8 of 2018, an appeal against such decision is automatic and does not require leave.

The amendment under discuss affects procedural aspect of the law and not substantive one. In view of the authority in **BENBROS MOTORS TANGANYIKA LTD VS. PATEL** (1968) E.A.247 an amendment on procedural rule operates retrospectively. The application at hand has thus been overtaken by event and this Court has no jurisdiction to entertain the same. It is accordingly struck out without an order as to costs.

It is so ordered.

  
**I. MAIGE**  
**JUDGE**  
30/9/19

**30/09/2019**

Coram: Hon. S. R. Ding'ohi, DR

For 1<sup>st</sup> Applicant: }  
For 2<sup>nd</sup> Applicant: }  
For Respondent: } Absent

RMA: Bukuku

COURT: Ruling delivered this 30<sup>th</sup> day of September, 2019.

**S. R. Ding'ohi**  
**DEPUTY REGISTRAR**  
**30/09/2019**