

**IN THE HIGH COURT OF  
THE UNITED REPUBLIC OF TANZANIA  
(LAND DIVISION)  
AT DAR ES SALAAM**

**MISC. LAND APPLICATION NO. 808 OF 2018**

**TOBIAS DAUDI MWENGUO..... APPLICANT**

**VERSUS**

**SALUM HARUBU KIZEE .....RESPONDENT**

Date of Last Order: 05.08.2020  
Date of Ruling: 05.10.2020

**RULING**

**V.L.MAKANI, J**

The applicant THOBIAS DAUDI MWENGUO applies for extension of time to appeal to this court, against the decision of Kibaha District Land and Housing Tribunal (the **Tribunal**) in Land Appeal No. 157 of 2015.

With leave of the court the application was argued by way of written submissions. The submissions were filed by the parties personally. The application was made under section 41(2) of the Land Disputes Courts Act No. 2 of 2002 as amended by Written Law (Miscellaneous Amendment) Act No. 2 of 2016 and was supported by the affidavit of the applicant. The respondent filed a counter affidavit to oppose the application.

Submitting in support of the application, the applicant stated that there was a delay in the supply of copies of the judgment and decree by the Tribunal, so he could not file his appeal within time. He prayed for the application to be granted.

In reply, the respondent stated that the applicant has no proof that the copies of the judgment and decree were delayed and therefore he has not adduced sufficient reasons to warrant this court to extend time within which he can appeal. He prayed for this application to be dismissed with costs.

The applicant did not file a rejoinder.

Before embarking on the merits of this application, I must put it clear that both parties to a great extent submitted on matters related to the intended appeal instead of submitting on the application for extension of time. The court will therefore disregard these submissions and confine itself to matter related to extension of time as recorded above.

The applicant's main reason for delay is contained in paragraph 5 of his affidavit, that there was a delay in obtaining copies of the judgment and decree from the Tribunal. However, he has not stated when he applied for the said copies and when the Tribunal supplied him with the said copies. But according to the records of the Tribunal judgment was delivered on 13/03/2018 and was ready for collection on 26/10/2018, to me this is *prima facie* evidence that indeed the

copies were not ready for collection for about 8 months from when judgment was delivered. This application was filed on 09/11/2018 which is about 14 days from when the copies were ready for collection. Considering that the applicant is a layman and unrepresented and taking into account that he filed this application within a reasonable time from when the copies of the judgment were ready for collection, this court is satisfied that in his personal ability as a layperson, the applicant acted diligently and showed efforts in following up his rights. And this suffices to say that it is a sufficient cause that can enable the court to exercise its discretionary powers in granting the application.

For the reasons thereof, the application is granted, and the applicant is hereby ordered to file his appeal within **thirty (30)** days from the date of this ruling.

It is so ordered.



  
**V.L. MAKANI**  
**JUDGE**  
**05/10/2020**