

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

(Arising from the decision of the District Court of Ulanga in Land Application No. 44 of 2008)

LAND APPEAL NO. 11 OF 2014

IBRAHIM MARIJAN.....1ST APPELLANT

TATU MAHUSUBI.....2ND APPELLANT

HASSAN ALLY GOAGOA3RD APPELLANT

VERSUS

M/S MABIBO ENTERPRISES LTD.....RESPONDENT

Date of the Ruling 11/12/2020

Date of the Last Order 30/10/2020

RULING

I. MAIGE, J

On 30/10/2020 when the matter came for hearing, Mr. Alex Enock learned advocate appeared for the appellant. He was also holding the brief for advocate Mfinanga for the respondent. I directed the counsel to file written submissions in support of the appeal on or before 6th November 2020.

For the reason better known to himself, the counsel did not file any written submission. The settled position of law is that failure to file written submissions is tantamount to non-appearance on the part of the applicant on the date of hearing. See for instance, **EDINA MWAKAPALILA VS. FATUMA RASHID, CIVIL APPLICATION NO. 94 OF 2015** (CAT-UNREPORTED). The appeal is therefore dismissed with costs for want of prosecution.

It is so ordered.

A handwritten signature in black ink, appearing to read 'I. Maige', followed by a small mark resembling a stylized 'J' or 'S'.

I. MAIGE

JUDGE

11/ 12/2020

Date: 11/12/2020

Coram: Hon. S.H. Simfukwe - DR

For the 1st Appellant: Mr. Alex Enock, Advocate

For the 2nd Appellant

For the 3rd Appellant

For the Respondent: Mr. Alex Enock, Advocate holding brief for Tumaini Mfinanga, Advocate

RMA: Bukuku

COURT: Ruling delivered this 11th day of December, 2020.




S.H. Simfukwe

DEPUTY REGISTRAR

11/12/2020