

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

MISC LAND APPLICATION NO. 53 OF 2020

(Arising from the decision of the District Land and Housing Tribunal for Ilala in Application No. 71 of 2014)

SELEMAN RAJABU.....APPLICANT

VERSUS

AMINA ABDALLAH.....RESPONDENT

RULING

I. MAIGE, J

This is an application for extension of time to appeal against the decision of the District Land and Housing Tribunal for Ilala (Rugarabamu, Chairman). The application is preferred under section 41(2) of the Land Disputes Courts Act, Cap. 216, R.E., 2019 and is founded on the affidavit of the applicant. The respondent did not file a count after to oppose the facts in the affidavit.

By the direction of the Court, the substance of the application was argued by way of written submissions. The applicant filed his written submissions in person. For the respondent, the written submissions were filed by Lightness Raimos, learned advocate.

I have duly considered the rival submissions in line with the affidavit and I will hereunder consider the merit or otherwise of the application.

The decision sought to be appealed against was delivered on 5th December 2019. This application has been filed on 6th February 2020. It is after the lapse of one 61 days while the time within which to appeal to a decision of the District Land and Housing Tribunal on trial is 45 days. This is in accordance with section 41 (2) of the **Land Disputes Courts Act, Cap. 216, R.E., 2019**. At the time of filing the application therefore, the applicant was out of time for 16 days. His factual account for such a delay is such that, he was awaiting for a copy of the judgment. In accordance with uncontested facts in the affidavit, though the applicant timely requested for a copy of the judgment for the intended appeal, it was not until on 23rd January 2020 when the same was made available for collection.

The appeal at hand being a first appeal, a copy of judgment was vital. The applicant would not, in the absence of such a document, initiate an appeal. Counting from 23/01/2020 when the copy of the judgment was made available to the applicant for collection and on 6th February 2021, there is an interval of just 16 days. In my view, such a period cannot, in any standard, be viewed as unreasonable.

On account of the foregoing discussions therefore, I find that sufficient cause for extension of time has been demonstrated. Accordingly therefore, the application is hereby granted. The intended appeal should be filed within 30 days from the date hereof.

It is so ordered.



I. Maige

JUDGE

23/04/2021

Ruling delivered in the presence of the parties in persons before me this 23rd day of April 2021



I. Maige

JUDGE

23/04/2021