

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

MISC LAND APPLICATION NO. 673 OF 2020

(Originating from Land Application No. 166 of 2016 in the District Land and Housing Tribunal for Kibaha at Kibaha)

CLEVER H. MWINUKA.....APPLICANT

VERSUS

JUMA HASSAN MAKONGORO.....1ST RESPONDENT

MWALAMI MCHAPATA.....2ND RESPONDENT

RULING.

S.M. MAGHIMBI, J:

The Applicant has moved this Court seeking for orders for extension of time to lodge an appeal against the decision of the District Land and Housing Tribunal for Kibaha in Application No. 166 of 2016 delivered on 18th June, 2020. The application has been made under the provisions of Section 41(2) of the Land Disputes Court Act, Cap 216 of 2019. The application is supported by the affidavit of the Applicant dated 24th November, 2020.

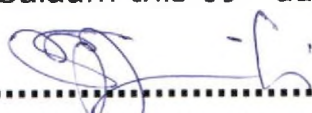
I have considered the records of this application, specifically the affidavit in support of the application and the reasons for the delay advanced. According to the applicant, he became aware of the existence of the judgment upon receiving information from his wife when she was served

with eviction order. The applicant's other reason for delay was negligence on the part of his advocate. There was also a reason of attending hospital which I have noted, in his submissions, the 1st respondent did not oppose that fact, his only contention being that the 17 days between when the applicant last visited the hospital to the date of filing of this application were not accounted for.

On my part, I find the 17 days delays alleged as not inordinate as such. I have also considered the facts deponed by the applicant, that he had filed a counterclaim, a fate which has not been expressly determined by the tribunal. This is an irregularity which also calls for the discretion of this court to extend time.

It is owing to the above reasons that this application is hereby allowed. Time is extended for the applicant to lodge his intended appeal against the decision of the District Land and Housing Tribunal for Kibaha in Application No. 166 of 2016. The intended appeal shall be filed in this court within thirty (30) days from the date of this ruling. I make no order as to costs.

Dated at Dar Es Salaam this 09th day of July, 2021.



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S. M. MAGHIMBI
JUDGE.

