

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

MISC LAND APPLICATION NO. 310 OF 2019

*(Originating from Kibaha District Land and Housing Tribunal
Application No. 310 of 2019)*

RAJABU SALUM MKOLE(as administrator
of the estate of the late Salum Mkole).....**APPLICANT**

VERSUS

HONDOHONDO SAID WAZIRI **RESPONDENT**

RULING

MAIGE, J

In pursuance of section 41(2) **Land Disputes Courts Act No.2 of 2002** as amended by **Act No. 2 of 2016**, the applicant has initiated a motion for extension of time to appeal against the decision of District Land and Housing Tribunal for Kibaha as per Hon. Mbuga (Chairman) in Land Application No. 34 of 2018. The justification of the delay to pursue the intended appeal is accounted for in the affidavit of the applicant. The respondent did not file a counter affidavit. Neither did he enter appearance. As a result, the applicant was allowed to proceed in his absence.

In his written submissions which he filed in person, the applicant adopted the facts in the affidavit and urged the Court to hold that sufficient cause for extension of time has been established.

Having carefully gone through the affidavit and written submissions, I think, the main issue which I have to consider is whether the applicant has demonstrated sufficient cause for extension of time. I am preparing myself to answer the question negatively for the reasons as herein after advanced.

The impugned decision was delivered on 16th December 2018. This application was filed on 21th June 2019. There is an interval of more than six months in between. The applicant's account for the delay in the affidavit is that he was awaiting for copies of judgment and decree necessary for his intended appeal. The applicant requested for a copy of judgment timely. He was supplied with it on 1st March 2019. There is a difference of more than two months. Such a period has not been accounted for in the affidavit.

In my opinion therefore, the application is devoid of any merit. It is accordingly dismissed without an order as to costs.

It is so ordered.

A handwritten signature in blue ink, appearing to read 'I. Maige', with a stylized flourish at the end.

I. MAIGE.

JUDGE

05.03.2021.

Date 5/ 3/2021

Coram: Hon. A. Chugulu - DR.

Applicant: Present in person

Respondent: Absent (Ex-parte)

RMA: Bukuku

COURT: Ruling delivered this **05th** day of **March, 2021** in presence of applicant in person only.



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A. Chugulu,
DEPUTY REGISTRAR
5/3/2021