

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(LAND DIVISION)**

**AT DAR ES SALAAM**

**MISC. LAND APPLICATION NO. 723 OF 2021**

*(Arising from Land Application No. 29 of 2020 Mkuranga District Land and  
Housing Tribunal)*

**TWARAHA AYUBU MWENEGOHA ..... APPLICANT**

**VERSUS**

**JUMA HAMIDU NGWAME.....RESPONDENT**

**RULING**

*06.07.2022 & 03.08.2022*

**Masoud, J:**

The applicant in this application has lodged this application under the provisions of Section 41(2) of the Land Disputes Courts Act, Cap 216 R.E 2019. The Applicant is seeking for extension of time within which to file an Appeal against the decision of Mkuranga District Land and Housing Tribunal

(**"The trial Tribunal"**) in Land Application No. 29/2020. The applicant further sought for an order for costs and any other incidental order as may be necessary to make.

The application was supported by an affidavit of the applicant dated 10<sup>th</sup> December, 2021 and was opposed by the counter affidavit of the respondent duly filed on the record. Before me, both parties appeared in person. On the 06/07/2022, the court ordered that the application be disposed of by way of filing written submissions, which were eventually duly filed as ordered.

I have gone through the records of this application and the parties' submissions for and against the grant of this application. I have appreciated and considered the parties' rival submissions regarding the application. While the applicant's submission sought to convince the court to find that good reasons were shown to warrant granting of the extension, the opposing submission by the respondent was geared at showing that no good cause was shown to enable the court to exercise its discretion in favour of the extension.

It is apparent that the judgment sought to be challenged was delivered on the 26/10/2021 and the copy of the said judgment was certified and ready for collection on 03/12/2021. It is undisputed fact the when the certified copies were supplied, the applicant still had time to file his appeal (i.e 7 days before expiration of the time limit to appeal). The time to appeal actually expired on 10/12/ 2021. And the application beforehand was filed on 15/12/2021, which is 5 days after the time limitation had expired.

The applicant under paragraph 5 of his affidavit deponed that despite the fact that on 03/12/2021 the certified copies were ready for collection, the same were supplied to him on 07/12/2021. Due to network complications, payment was however effected on 11/12/2021 as exhibited by annexure AAA3 to the applicant's affidavit. In my consideration, the applicant did not sleep on his right as soon after being supplied with the certified copies, he promptly filed this application.

Undeniably, the 5 days period disclosed herein above has not been clearly accounted for by the applicant. Such failure notwithstanding, it has not been shown that the said delay prejudiced the respondent in whatever way. The

law is very clear no particular reason or reasons have been set out as standard sufficient reasons. What constitutes good cause cannot therefore be laid down by hard and fast rules. The term good cause is a relative one and is dependent upon the circumstances of each individual case. See **Valerie McGovern v. Salim Fakhirudin, Civil Application No. 11 of 2015, CAT, at Tanga.**

In relation to the said five day period of delay is in any case not inordinate I would say. I say so whilst mindful of the instant application, which was undoubtedly prepared, and filed in a bid to move this court to grant the extension. Considering the circumstances of this application, I am convinced that good cause has been shown.

In the upshot of the foregoing, the application beforehand is hereby granted and the time is hereby extended for the applicant to lodge his intended appeal within twenty-one (21) days from the date of this ruling. As to the costs the same shall follow events.

Dated at Dar-es-salaam this 3<sup>rd</sup> day of August, 2022.

  
**B.S. Masoud.**  
**JUDGE**

