

**IN THE HIGH COURT OF TANZANIA
(LAND DIVISION)
AT DADR ES SALAAM
MISC.LAND CASE APPLICATION NO. 202 OF 2022**

BENETA YOHANA MCHACHA.....APPELLANT

VERSUS

JUSTIN HAMIS FOKORO.....RESPONDENT

RULING

7/09/2022 & 29/9/2022

Masoud, J.

A preliminary point of objection was raised against the application for leave to appeal to the Court of Appeal. It was based on rule 45(a) of the Court of Appeal Rules, 2019. The said rule provides for time frame of 30 days within which application for leave may be filed.

The objection was argued by filing written submission. The applicant did not file reply submission. The submission by the respondent elaborated on the objection. The gist was that the application by the applicant for leave to appeal to the court of appeal against the decision of this Court in Land Appeal No. 192 of 2021 was filed out of time having been so filed on 2/5/2022 whilst the decision sought to be appealed against was delivered on 28/3/2022.

In my scrutiny, I am satisfied that the application is out of time having been filed on 2/3/2022 after the expiry of 30 days. In the upshot of the forgoing the application is time barred and is hereby dismissed with costs. It is so ordered.

Dated at Dar es Salaam this 29th day of September 2022.


B. S. Masoud
Judge

