

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(LAND DIVISION)**

**AT DAR ES SALAAM**

**MISC. LAND APPLICATION NO. 259 OF 2022**

*(Arising from Application No. 133 of 2021 of the District Land and Housing Tribunal  
of Ilala at Mwalimu House)*

**THERESIA DAMIAN ECHELA ..... APPLICANT**

*(Administratrix of the Estate of  
Late Hamis Rashid Mduduma)*

**VERSUS**

**PILI RAJABU.....1<sup>st</sup> RESPONDENT**

**SIMON JORAM MGANA.....2<sup>nd</sup> RESPONDENT**

**ISAYA ZABRON MCHENGWA.....3<sup>rd</sup> RESPONDENT**

**MAHAMUDU ALLY MSUMARI.....4<sup>th</sup> RESPONDENT**

**RAMADHANI IMEGE.....5<sup>th</sup> RESPONDENT**

**MAURIDI RAJABU ZOMBOKO.....6<sup>th</sup> RESPONDENT**

**ALLY SELEMANI BANGA.....7<sup>th</sup> RESPONDENT**

**NTEVONETWA H. MZAVA.....8<sup>th</sup> RESPONDENT**

**JUMANNE MSHANGILA.....9<sup>th</sup> RESPONDENT**

**ASHA MSHANGILA.....10<sup>th</sup> RESPONDENT**

**R U L I N G**

*14//09/2022 & 24/10/2022*

**Masoud, J.**

The delay in getting a copy of the judgment of the District Land and Housing Tribunal of Ilala in Application No. 133 of 2021 delivered on

14/03/2022 is mainly the only reason advanced by the applicant in support of her application for extension of time within which to appeal in this court against the said decision. The said reason is apparent in the applicant's affidavit supporting the instant application which was filed on 23/03/2022.

The application is opposed by the respondents. They filed a joint counter affidavit. The averments in the said counter affidavit are in a nutshell to the effect that there is no sufficient cause shown to warrant granting of the extension of time sought.

Hearing was conducted through filing written submissions pursuant to the schedule set by the court. The rival submissions were duly filed on the record. I have considered the submissions in relation to the prayers sought and the affidavit and counter affidavit of the applicant and the respondents respectively. By and larger, the rival submissions reflected the averments of the applicant and respondents in their respective affidavit and the counter affidavit.

Having granted the applicant leave to file her written submission on 01/08/2022 after the filing schedule previously set by the court, and since the parties were heard before the granting of the said leave, I found it prudent not to entertain the complaints raised in the submission in reply filed on behalf of the respondents by Mr Shundu Mrutu, learned Advocate,

as to the applicant's failure to file her submission as earlier ordered by the court.

The issue is whether the applicant has shown sufficient reason warranting this court to exercise its discretion in favour of granting the extension.

As I was considering this issue, I paid due attention to the date on which the judgment sought to be appealed from was delivered which is on 14/03/2022; the date on which copies of the said judgment and the decree were certified, and hence ready for collection which is 06/05/2022; and a copy of the letter by the applicant requesting certified copy of the judgment for purposes of appeal, which is dated 14/03/2022 on the day the judgment was delivered, and was apparently stamped as received by the tribunal on 15/03/2022.

I have had also regard to the date on which the instant application was filed on 25/05/2022, which means that it was filed 19 days after the copies of the judgment and decree were certified.

As to the 19-days delay in filing the instant application after the said copies were certified and ready for collection, the applicant in her affidavit had it that she had no means to engage an advocate to prepare the instant application. She had as such to look for legal assistance which she

eventually got on 23/05/2022 from Women Legal Aid Centre (WLAC) and hence the instant application being prepared and filed on 25/5/2022.

In the circumstances, I find that the 19-days delay is not inordinate, and there is no apparent negligence on the part of the applicant, and the account given explaining the said delay is thus sufficient. Indeed, the letter requesting certified copy of the judgment evidence the follow-up that the applicant made, although there is no evidence that the said letter was also copied to the respondents. Nonetheless, the existence of the said letter is not at all in dispute.

In the results, the application for extension of time is meritorious. It is hereby granted. The applicant to file her intended appeal within thirty days from the date of this ruling. In the circumstances, I will not make any order as to costs.

It is so ordered.

Dated at Dar as salaam this 24<sup>th</sup> October 2022.

  
**B. S. Masoud**

**Judge**

