

IN THE HIGH COURT OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

MISC. LAND APPLICATION NO. 651 OF 2022

(Originating from Land Revision No. 8 of 2022)

VICTORIA RWEIKIZA ..... APPLICANT

VERSUS

ALEX MSAMA MWITA ..... 1<sup>ST</sup> RESPONDENT

BENEDICTO R. IJUMBA ..... 2<sup>ND</sup> RESPONDENT

NOELA O. ISHEBABI ..... 3<sup>RD</sup> RESPONDENT

RULING

Date of last Order: 05.12.2022

Date of Ruling: 05.12.2022

**A.Z.MGEYEKWA, J**

This application is brought under section 47 (2) of the Land Disputes Courts Act, Cap. 216. The applicant seeks leave to appeal to the Court of Appeal of Tanzania to impugn the decision of this Court in Land Revision

No. 8 of 2022 delivered on 19<sup>th</sup> September, 2022. The application is supported by an affidavit deponed by Audax Kahendaguza Vedasto, the applicant's counsel. The 1<sup>st</sup> and 3<sup>rd</sup> respondents did not object the application.

When the matter was called for hearing on 5<sup>th</sup> December, 2022 the applicant had the legal service of Mr. John Bosco, counsel, the 3<sup>rd</sup> respondent enlisted the legal service of Mr. Obedi Masambala who was also holding brief for Mr. Rajabu Mlindiko, respondent. The application proceeded *ex parte* against the 2<sup>nd</sup> respondent upon proof of service through substitution published in Mwananchi Newspaper on 9<sup>th</sup> November, 2022.

Mr. Obedi, counsel for the 3<sup>rd</sup> respondent was the first one to submit. He stated that the 1<sup>st</sup> and 3<sup>rd</sup> respondents have conceded to the application.

Mr. Bosco had not much to say rather he prayed for this court to grant his application without costs.

Having heard the submission of the applicant and taking to account that the 1<sup>st</sup> and 3<sup>rd</sup> respondents' counsel has conceded to the prayers sought.

Therefore, this court has no any reasons for not granting this application as prayed.

In the upshot, leave is granted to the applicant to file an appeal before the Court of Appeal. Costs to be in the cause.

Order accordingly.

Dated at Dar es Salaam this date 5<sup>th</sup> December, 2022



  
A.Z.MGEYEKWA  
**JUDGE**  
05.12.2022

Ruling delivered on 5<sup>th</sup> December, 2022 in the presence of the applicant and Ms. Shamim Kikoti, counsel for the respondents



  
A.Z.MGEYEKWA  
**JUDGE**  
05.12.2022