

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

MISC. LAND APPLICATION NO. 77 OF 2022

*(Arising from Land Application No. 320 of 2020 of Kinondoni District Land
and Housing Tribunal)*

SELEMANI ATHUMANI MKUTANO..... APPLICANT

VERSUS

HUMUD ALI SALUM.....1ST RESPONDENT

WILLHEM SYLVESTER ERIO.....2ND RESPONDENT

AHMED ABDALLAH KARAMA.....3RD RESPONDENT

AHMED ISLAM MEREY.....4TH RESPONDENT

RULING

17.12.2022 & 15.12.2022

Masoud, J:

The applicant has lodged this application under the provision of Section 14(1) of the Law of Limitation Act, Cap 89 R.E 2019, seeking for an order of

extension of time within which to file an application for Revision of the decision of the Kinondoni District Land and Housing Tribunal ("**The trial Tribunal**") in Land Application No. 320/2020. 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 1st March, 2022.

While the 2nd never entered appearance, the Applicant was represented by Mr. Tobias Mathias Advocate the 1st respondent was represented by Mr. Ndandu Emmanuel, Advocate, the 3rd Respondent appeared in person and under owner of Attorney for the 4th respondent. As already said, the 2nd respondent never entered appearance, therefore, the present application was ex parte against him.

I have gone through the records of this application and the parties' submissions for and against the grant of this application, the main issue for determination is whether the application at hand is meritorious.

My observation is that the impugned judgment was delivered on the 20/12/2021 and the copy of the judgment was certified and ready for collection on the 27/01/2022. It is undisputed fact that the applicant was not

a party to the said application. He was therefore not aware of the existence of the said judgment.


Going through the applicants affidavit, it reveals that the applicant purchased the dispute property on the 25/09/2020, became aware of the existence of the impugned judgment on the 19/02/2022, and filed this application on 03/03/2022 after the lapse of 12 days from the date the impugned judgment was delivered. The applicant under paragraph 7 of his affidavit deponed that after being aware of the presence of the impugned judgment, on the 21/02/2022, he requested for a copy of the same from Shaban Awadhi Waziri who availed the same to him on 22/02/2022.

In view of the foregoing, it shows that the applicant did not sleep on his right. I say so because soon after being supplied with the certified copies, he promptly filed this application. Although there are 12 days which are not accounted for, it was not shown that the failure to account for such days prejudiced the respondents in any way. In any case, it is common knowledge that the applicant spent some days preparing the application among other things.

In the upshot of the foregoing, the application beforehand is hereby granted as sought in the chamber summons. Accordingly, the applicant is ordered to file his intended application for revision within 30 days as from the date of this ruling. The applicant is awarded costs. It is so ordered.

DATED and DELIVERED at Dar-es-salaam this 15th day of December,
202022.




B.S. Masoud
Judge