

IN THE HIGH COURT OF TANZANIA
(LAND DIVISION)
AT DAR ES SALAAM
MISC. LAND APPLICATION NO.120 OF 2022
(Originating from the Land Case No.6 of 2021)

ROBERT REDSON LYIMO (As an administrator
of the estate of the late REDSON LYIMO) **APPLICANT**

VERSUS

UMAGE COOPERATIVE SOCIETY **1ST RESPONDENT**

ABRAHAM REDSON LYIMO **2ND RESPONDENT**

RULING

Date of last Order: 12.04.2022

Date of Ruling: 12.04.2022

A.Z.MGEYEKWA, J

The applicant has filed an application for leave to join as an interested party in Land Case No.6 of 2021 which is filed before this court. The application was supported by an affidavit sworn by Robert Redson Lyimo, the applicant.

When the matter was called for hearing on 12th April, 2022 the applicant enjoyed the legal service of Mr. Mussa Ramadhani, learned counsel holding brief for Mr. Benedict Pius, learned counsel. Ms. Happiness learned counsel appeared for the 1st respondent and the 2nd respondent enjoyed the legal service of Ms. Levina Mdacha, learned counsel.

Ms. Happiness, learned counsel for the 1st respondent, and Ms. Levina Mdacha, learned counsel for the 2nd respondent conceded to the application. The learned counsel for the applicant was brief and straight to the point. He urged this court to adopt the applicant's affidavit and grant his application.

I have gone through the applicant's affidavit specifically paragraphs 2 and 3 and found that the applicant stated that he is the legal representative of the estate of his late father Redson Lyimo. There is no dispute that the applicant wants to join Land Case No.6 of 2021 because as a legal representative of the estate of his father he has interest over the suit premise located on Plot No.7 Block 'W' Kisarawe Street. Now Makamba Street at Gerezani Industrial area at Ilala Municipality within Dar es Salaam Region. In his affidavit the

applicant clearly stated that the landed suit premises belongs to his late father, thus, as a legal representative of the estate of his late father Redson Lyimo, he has interest over the suit premises which is the subject matter in Land Case No. 6 of 2021.

It is my respectful view that as long as the applicant has shown interest in the said application, he has the right to join as a necessary party in Land Case No. 6 of 2021. I have considered the fact that the applicant deserves to be afforded the right to be heard. In the case of **Attorney General v National Housing Corporation & 3 others**, Civil Application No. 432/17 of 2017, the Court of Appeal of Tanzania observed that:-

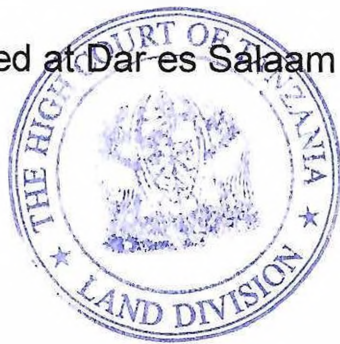
“It was appropriate to allow the applicant to join a case and accord him the opportunity to be heard on the application”.

Moreover, I have considered the fact that the applicant might be affected by the court's final decision in Land Case No.6 of 2021. Therefore, in the interest of justice, the applicant is given an opportunity of being heard.

In the upshot, the applicant's application has merit, the applicant is allowed to join as a necessary party in Land Case No.6 of 2021. No order as to the costs.

Order accordingly.

Dated at Dar es Salaam on this 12th April, 2022.




A.Z.MGEYEKWA

JUDGE

12.04.2022

Ruling delivered on 12th April, 2022 in the presence of Mr. Mussa Ramadhani, learned counsel holding brief for Mr. Benedict Pius, learned counsel for the applicant. Ms. Happiness, learned counsel for the 1st respondent and Ms. Levina Mdacha, learned counsel for 2nd respondent.




A.Z.MGEYEKWA

JUDGE

12.04.2022