

IN THE HIGH COURT OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

MISCELLANEOUS LAND APPLICATION NO. 695 OF 2021

(Arising from judgment and decree of the District Land and Housing Tribunal for Ilala in Land Application No. 204 of 2019)

HABITAT FOR HUMANITY TANZANIA.....APPLICANT

VERSUS

JACKLINE MUSHI.....1ST RESPONDENT

GASPER GEOFFREY URASSA.....2ND RESPONDENT


Date of last order: 11/5/2022

Date of ruling: 31/5/2022

RULING

A. MSAFIRI, J.

By chamber summons lodged in this Court on 6th December 2021, the above named applicant is seeking for an extension of time within which to appeal against the judgment and decree of the District Land and Housing Tribunal for Ilala at Ilala (the DLHT) in Land Application No. 204 of 2019 delivered on 14/9/2021. The present application has been preferred under Section 41(2) of the Land Disputes Courts Act [CAP 216 R.E 2019]

(the Act). 

The chamber summons has been taken at the instance of **UPHILL ATTORNEYS COMPANY** and it is supported by an affidavit sworn by Ikupa Alleni, the principal officer of the applicant herein.

In this application, the respondents though duly served, did not enter appearance, equally no counter affidavit was lodged by the respondents. Hence the facts stated in the affidavit in support of the application have gone uncontested.

When the application was called on for hearing on 11/5/2022, Mr. Boniface learned advocate appeared for the applicant. Having adopted the affidavit in support of the application he urged the court to grant the application. The reason for not lodging the appeal in time was caused by being supplied late with certified copies of judgment and decree.

According to the learned advocate for the applicant, the judgment of the DLHT was delivered on 14/9/2021 and he requested to be supplied with the copy of the judgment on 20/9/2021 through a letter attached to the affidavit. The learned advocate contended further that he was supplied with the said judgment on 2/11/2021 hence by the time he was supplied

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with the said judgment time for appealing had already expired hence the present application for extension of time.

Having gone through affidavit in support of the application the issue for my determination is whether the applicant has shown sufficient cause for the court to grant the prayer sought.

It is trite law that in an application for extension of time to do a certain act, like in present one, the applicant must show good cause for failing to do what was supposed to be done within the prescribed time.

Some of the decisions of the Court of Appeal of Tanzania which require good cause to be shown before the Court can exercise its powers for extension of time, are; **Abdallah Salanga & 63 Others v. Tanzania Harbours Authority**, Civil Reference No. 08 of 2003 and **Sebastian Ndaula v. Grace Rwamafa**, Civil Application no. 4 of 2014 (both unreported).

In the present application, the judgment of the DLHT sought to be challenged on appeal was delivered on 13th September 2021. The applicant took immediate action to request for the same on 22nd September 2021. It is indicated that the judgment was certified hence ready for collection on

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2/11/2021 and it was the same day the applicant was availed with a copy of the judgment.

Clearly the applicant requested the copy of judgment timely and the period within which he was waiting for the copy of judgment is excluded. Consequently I find this application to be meritorious the same is hereby granted. The applicant is granted 14 days from the date of this ruling to lodge his appeal. I will make no order as to costs.

It is so ordered.




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**A. MSAFIRI,
JUDGE
31/5/2022**