

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(LAND DIVISION)
AT DAR ES SALAAM**

MISC LAND APPLICATION NO. 718 OF 2021

(Originating from Consolidated Land Cases No. 53 of 2007
(DSM) and Land Case No. 2 of 2007 (Tanga))

MOHAMMED ENTERPRISES (TANZANIA) LIMITED.....APPLICANT

VERSUS

M/S BALANGAI ESTATE LIMITED.....1ST RESPONDENT

BAHADURALI EBRAHIMU SHAMJI.....2ND RESPONDENT

M/S DINDIRA TEA ESTATES LIMITED.....3RD RESPONDENT

RULING

V.L. MAKANI, J

The applicant has conceded to the preliminary objection that the application is time barred. Though the concession is based on another provision as alleged by Mr. Msuya but still the application is time barred and the consequence is the same that the application must be dismissed.

As for costs it is indeed the court's discretion. But as correctly said by Mr. Nduruma the respondents have incurred costs in defending the application.

In that respect, the application is hereby dismissed with costs for being time barred. It is so ordered.



V. L. Makani
V. L. MAKANI
JUDGE
17/06/2022