

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

**MISC. LAND CIVIL APPLICATION NO 225 OF 2019**  
(Arising from Land Appeal No.55 of 2014)

**AGNES MATIMBWI .....APPLICANT**

**VERSUS**

**ANDREFAS MATIMBWI .....RESPONDENT**

Date of Last Order: 19.05.2022  
Date of Ruling 13.06.2022

**RULING**

**V.L. MAKANI, J**

This application is by AGNES MATIMBWI. She is applying for enlargement of time within which to file Notice of Appeal out of time against the decision of this court in Land Appeal No. 55 of 2014 dated 08/04/2016.

The application is made under section 11(1), of the Appellate Jurisdiction Act, CAP 141 RE 2002 and section 14 of the Law of Limitation Act, CAP 89 RE 2002. The application is supported by the affidavit of the applicant. The application proceeded ex-parte against

the respondent because he did not enter appearance even after being served by publication through Mwananchi Newspaper.

The application proceeded by way of written submissions. Mr. Yuaja Balankiliza, Advocate from the Juristic Assistance & Social Development in Tanzania, drew gratis the submissions on behalf of the applicant. The submissions were filed by the applicant herself.

Submitting for the application Mr. Yuaja said that the reason for the delay is that the applicant is a lay person who was not familiar with the procedure. That after being aggrieved with the decision of the appellate Tribunal she sought assistance from WILAC and it was revealed that the applicant had to collect copies of judgment. That after she got the copies of the decision, the applicant filed Land Appeal No.55 of 2014 which was dismissed for being filed out of time. Being dissatisfied with this decision the applicant then filed Misc. Application No. 225 of 2019 for extension of time to file leave to appeal and certificate. The application was granted, and the applicant filed the said application which is referenced Misc. 758 of 2021 and which is still pending in this court. According to the affidavit, the reasons for this application is that Counsel assisting the applicant discovered that the Notice of Appeal had not been filed which is the legal requirement under Rule 83(1) of the

Court of Appeal Rules, 2009. The application before the court is for enlargement of time to file the said Notice of Appeal.

The applicant main reason for the enlargement of time is that the applicant is not a lawyer so not familiar with the procedure to appeal to the Court of Appeal. I agree, as the applicant has been to various legal aid organisations, to seek assistance. I am quite sure that the movement from one organisation to the other, may have caused the omission in the procedures, and the current organisation assisting the applicant have discovered the omission hence this application. Indeed, the respondent would not be prejudiced as he has not even entered appearance despite that he has been served. It is also apparent that the applicant has shown efforts to file the application. In the interest of justice and considering that the application was uncontested, I hereby proceed to grant the application for the applicant to file Notice of Appeal. The applicant shall file the Notice of Appeal **14 days** from the date of this ruling. Considering that the applicant is under legal aid there shall be no order as to costs. It is so ordered.



*V.L. Makani*  
**V.L. MAKANI**  
**JUDGE**  
**13/06/2022**