

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

**MISC LAND APPLICATION NO. 411 OF 2023**

(Arising from Land Application No. 23 of 2019 from  
the District and Housing Tribunal for Mkuranga)

**SALAMA MIRAJI FUNDI.....APPLICANT**

***VERSUS***

**MARIAM YASIN.....1<sup>ST</sup> RESPONDENT**

**RASHID ATHUMAN.....2<sup>ND</sup> RESPONDENT**

**FATUMA ABDALLAH.....3<sup>RD</sup> RESPONDENT**

**SAID CHINDEMA.....4<sup>TH</sup> RESPONDENT**

**JAMILA MFAUME.....5<sup>TH</sup> RESPONDENT**

**IMAN LEZILA MPALILA.....6<sup>TH</sup> RESPONDENT**

**JEMA JUMA.....7<sup>TH</sup> RESPONDENT**

**ISMAIL HMONDRICK SIMAI.....8<sup>TH</sup> RESPONDENT**

**RULING**

04/09/2023 to 07/09/2023

**E.B. LUVANDA, J**

The Applicant above named is seeking for an extension of time within which to file an appeal against the decision of the trial Tribunal. In the affidavit in support, the Applicant stated that she filed Extended Land Appeal No. 56/2022 which was within time, however was struck out on 15/06/2023 on account that it was made by way of memorandum of appeal instead of

petition of appeal. She deposed that she wrote a letter requesting a copy of ruling, which was availed to her on 30/06/2023, hence delay.

In a counter affidavit, the Respondents stated that no letter for requesting a ruling was attached to the affidavit. They stated that the Applicant have not accounted for days from 15/06/2023 up to 30/06/2023 when copy of ruling was issued and from 01/07/2023 to 10/07/2023 when this application was filed.

In her submission in chief, the Applicant stated that immediately after delivery of ruling on 15/06/2023 she requested a copy of ruling via a letter filed on 16/06/2023 and the same was supplied to her on 03/07/2023. She submitted that due to defects on the ruling, they requested rectification of errors, where on 10/07/2023 they were availed with a rectified ruling.


Mr. Venance Victor Rugemalia learned Counsel for Respondents submitted that a letter for requesting a ruling was paramount and was not attached to the affidavit. He submitted that the Applicant delayed from 1<sup>st</sup> to 10<sup>th</sup> July, 2023 and did not account for, arguing that technical delay is misplaced in the circumstances.

On my part, in view of the undisputed fact that the Applicant filed Extended Land Appeal No. 56/2022 on time, which was struck out on technicality, on 15/06/2023.


And in view of deposition that from 16<sup>th</sup> to 30<sup>th</sup> June, 2023 the Applicant was awaiting a copy of ruling. To my opinion ten days of delay from 1<sup>st</sup> to 10<sup>th</sup> June, 2023 when this application was filed, are within the domain of condonation.

I therefore grant the Applicant an extension of time to file her intended appeal within fourteen days from the date hereof.

The application is granted. No order for costs.

  
E.B. LUVANDA  
**JUDGE**  
07/09/2023

Ruling delivered in the presence of the Applicant in person and in the absence of the Respondents.

  
E.B. LUVANDA  
**JUDGE**  
07/09/2023