

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF
TANZANIA**

(LAND DIVISION)

AT DAR ES SALAAM

LAND APPEAL CASE. NO. 417 OF 2023

*(Appeal arising from the Decision of District Land and Housing Tribunal for
Morogoro in Land Application No. 96 of 2023 delivered by Hon. Khassim-
Chairperson on 20th September, 2023)*

BAKARI S. GONZAAPPELLANT

(Administrator of the estate of late Omary Mbomo)

VERSUS

ZAHORO S. GONZA.....1ST RESPONDENT

SWALEHE R. KITULIKE2ND RESPONDENT

RULING

Date of Last Order: 06/03/2024

Date of Ruling: 08/03/2024

MWAIPOPO, J

This ruling is in respect of an appeal arising from the decision of the District Land and Housing Tribunal for Morogoro in Land Application no. 96/2023 delivered by Hon. Khassim Chairperson on 20th of September, 2023, which has been filed in the High Court of Tanzania, Land Division at Dar es salaam.

When the matter was set for hearing on 6th of March 2023, I ordered the Appellant to address the Court on the appropriateness of filing the Appeal in the High Court Land Division, at Dar e salaam Registry

while same emanates from the District Land and Housing Tribunal in Morogoro.

Submitting before the Court, the Appellant who fended for himself, contended that he was the Applicant in the Land case no 96/2023 which was filed in the District Court and Housing Tribunal for Morogoro. He asserted that he decided to file the Appeal in Dar es salaam because firstly, he does not have an ability to travel to Morogoro since he is old now and does not have the financial means to keep up with travel costs. Secondly, he does not trust the justice/Court system in Morogoro, as he does not understand how he lost the matter in the Tribunal while they testified very well.

Lastly, before he rounded off his submissions, he prayed for the Court to allow him to effect substituted service to the 2nd Respondent who has not been appearing in Court.

Upon hearing the submissions from the Appellant, I have noted and observed that, indeed, this Appeal arises from the decision of the District Land and Housing Tribunal in Morogoro for Morogoro in Land Application No.96 of 2023 delivered by Hon. Khassim Chairperson on 20th September 2023. However, the same has been filed in the High Court of Tanzania, Land Division at Dar es salaam. I am thus of the firm position that since the matter arises from the decision of DLHT in Morogoro, then the Appellant ought to have filed his Appeal in the High Court of Tanzania at Morogoro, for the reason that there is an appropriate Registry for receiving appeals arising from the DLHT in Morogoro.

Therefore, despite the fact that the Appellant has raised issues of lack of ability, finances and old age, which incapacitate him to travel to Morogoro, for convenience of both parties since they reside in Morogoro, and keeping up with the appropriate procedures for filing appeals in appropriate Registries and Sub Registries which have been established, as per the JALA and the High Court Registry Rules, 1984 as amended from time to time, which have designated all other Registries as Sub Registries of the Land Court, I proceed to order the transfer of the Land Appeal Case no.417/2023 to the High Court in Morogoro for parties to proceed with other procedures for the hearing and determination of the Appeal. I am guided by the fact that this is not a jurisdictional issue, as the High Court of Tanzania is one and enjoys the jurisdiction over land matters and has different Registries and Sub Registries, in order to streamline the administrative functions of the Court, especially the timely disposal of cases. (See also the case of the **National Bank of Commercial Ltd Versus National Chicks Corporation Limited and other Civil Appeal No. 129 of 2015 CAT at Dar es salaam**).

That said and done, I proceed to order the transfer of the matter to the High Court of Tanzania in Morogoro for parties to proceed with other procedures for the determination of the matter, including those related to the substituted service as prayed for by the Appellant. The file is placed before the DR for her necessary action.

I give no order as to costs since the matter is in the very initial stages.

It is so ordered.

Mwaiipo
S.D. MWAIPOPO
JUDGE
08/03/2024

