

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

MISC. LAND APPLICATION NO. 722 OF 2023

(Originating from Land Application No. 40 of 2022,
Ubungo District Housing and Land Tribunal)

MARY APLHONCE MASKINI (Administrator of the
Estate of the Late Sosteen Shirima).....**APPLICANT**
VERSUS

ABDI MOHAMED HOZA.....**RESPONDENT**

RULING

16th to 23th April, 2024

E.B. LUVANDA, J

This is an application for extension of time within which to appeal against the judgment and decree in respect of the above captioned land application.

In the affidavit in support, the deponent grounded that the decision was read on 6/10/2023 which was on Friday and was provided to the Applicant on 11/10/2023. He stated that the verdict was provided to the Applicant outside time after more than two months from the date when the verdict was delivered.

The Respondent filed a counter affidavit that there is a contradiction on the readiness of the decision of the Tribunal and the date when the Applicant

received a copy. He asserted that the Applicant has indicated that she was aware that the decision of the Tribunal was delivered on 7/08/2023 but she did not act until two months that is on 27/10/2023.

In reply to the counter affidavit, the Applicant stated that she is not disputing that the judgment was delivered on 7/08/2023. That there is no contradiction for explanation that as per the letter of the Tribunal annexure "A" to the reply to the counter affidavit, she was told the judgment will be ready within twenty-one days. That the judgment was supplied to the Applicant on 6/10/2023 as per the copies of judgment annexure "B" to the reply.

Mr. Benjamin Mwanga learned Counsel for Applicant submitted that the length of delay was not dilatory, the reasons of delay was perpetrated by the delay of being furnished with copies of the decision despite several follow up.

Mr. Benedict Alphonse Njumwa learned Counsel for Respondent in reply, submitted that the Applicant did not adduce any evidence of several follow up to obtain a copy on time since the judgment was delivered in her presence on 7/8/2023, or delay by the Tribunal for issuance of the requested copy of judgment. He submitted that the Respondent failed to act until on

27/10/2023 when she filed application for extension of time which is more than two months without sufficient reasons for the delay.

It is common ground that the impugned judgment was delivered by the Tribunal on 7/8/2023 and decree was extracted on 6/10/2023. This application was filed on 27/10/2023. In the reply to the counter affidavit, the Applicant attached a letter for requesting copy of judgment for further steps, which was received by the Tribunal on 29/09/2023. Therefore it was imperative for the Tribunal to indicate the date when the requested documents were supplied to the Appellant. In the absence of that, the Appellant is given a benefit of doubt and therefore it believe a statement of the Applicant that she received the same on 6/10/2023.

To my view the reasons for delay is well grounded. The Applicant is granted extension of fourteen days to file the intended appeal, which will run from the date hereof.

The Application is granted. No order for costs.



E. B. LUVANDA
JUDGE
23/04/2024

Ruling delivered in the presence of Mr. Benjamin Mtwanga for the Applicant also holding brief for Mr. Benedict Alphonse Njumwa learned Counsel for the Respondent.



E. B. LUVANDA
JUDGE
23/04/2024