

IN THE HIGH COURT OF TANZANIA
LAND DIVISION
AT TABORA
MISCELLANEOUS LAND CASE APPLICATION NO. 28 OF 2019

ABEL BISANDA ----- APPLICANT

VERSUS

1. JACKSON SAMWEL ----- 1ST RESPONDENTS
2. DOROTH P. MDAUZI ----- 2ND RESPONDENT

RULLING

31/03 & 22/05/2020

BONGOLE J.

The applicant **ABEL BISANDA** instituted this application under section 14 of the Law of Limitation Act and section 95 of the Civil Procedure Code Cap 33 [RE 2002] seeking for the orders that:-

1. That, this honorable Court be pleased to grant an order for extension of time for lodging an Appeal/appealing out of time against the decision of the District Land and Housing Tribunal for Tabora at Tabora.
2. Cost of the Application be provided for.
3. Any other equitable relief this Court deem fit to grant.

The grounds as deposed in the affidavit upon which extension of time is sought run as follows.

1. That the applicant lodged the Land Application No. 60/2018 before the District Land and Housing Tribunal for Tabora at Tabora of which its decision was delivered on 03rd day of May, 2019.
2. That, after the delivery of the said decision he found himself being so aggrieved with the same thus he requested for the copy of the judgment the same day so that he could pursue his appeal at the appellate Court.
3. That, he waited for the said copy of judgment the whole month until now without being given the same despite his day to day follow ups at the said Tribunal.
4. That, for the reason mentioned above, non-lodging of the memorandum of appeal on time is not deliberated but due to the factors which were beyond his control.
5. That, in the circumstance it is therefore just, the prayers sought for in the Chamber summons be granted and the appeal be heard on merits as the appellant has overwhelming chances of success.

When the application was called for hearing the respondents did dispute the application.

Of all reasons laid down by the applicant, the major one is that the delay was caused by failure of the tribunal to supply him a copy of judgment which would enable him to file an appeal to this court on time.

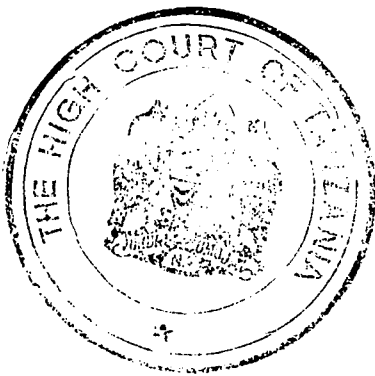
I am satisfied with the reason advanced by the applicant that the delay to file his appeal was caused by failure of the District Land and Housing


Tribunal to supply him with necessary documents to file his appeal on time despite of all efforts he made exhibited in annexure AA-1.

In view of the aforesaid and since there is no objection on the part of the respondents, I am satisfied that the applicant has demonstrated sufficient reasons warranting the grant of the application.

Having said that, I hereby grant the application; the applicant is now at liberty to file the respective appeal not later than forty five (45) days from the date of this order.

Costs to follow events.




S.B. BONGOLE
JUDGE
22/05/2020