

**IN THE HIGH COURT OF TANANIA  
TABORA DISTRICT REGISTRY  
AT TABORA**

**MISC. LAND CASE APPLICATION No.39 OF 2019**

**(Arising from Land Application No.83 of 2017 by the District  
Land & Housing Tribunal for Tabora at Tabora)**

**KAMILI KALUNDA ..... APPLICANT**

**VERSUS**

**RAMADHANI SAID MDAKI ..... RESPONDENT**

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**RULING**  
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**Date of Last order: 14/02/2020**

**Date of Delivery: 27/03/2020**

**AMOUR S. KHAMIS, J.:**

Aggrieved by judgment of the District Land and Housing Tribunal for Tabora which declared Ramadhani Said Mdaki as lawful owner of the disputed land, Kamili Kalunda sought extension of time to appeal to the High Court.

The application preferred by chamber summons made under Section 41 (2) of the Land Disputes Courts Act, Cap. 216, R.E. 2002

As amended by the Written Laws (Miscellaneous Amendments) No. 2 of 2016, was supported by an affidavit sworn by Kamili Kalunda.

In the affidavit, Kamili Kalunda stated that his delay was caused by the tribunal's hold up of copies of a judgment and proceedings.

Ramadhani Said Mdaki filed a counter affidavit generally disputing the applicant's averments.

Both parties appeared in person and the matter was canvassed through written submissions.

I have read and considered the rival submissions that were timely filed.

The main issue is whether a good cause for extension of time was shown by the applicant.

Section 41 (2) of the **LAND DISPUTES COURTS ACT, CAP 216. R.E. 2002** as amended by the Written Laws (Miscellaneous Amendments) (No.2) 2016 provides that:

*“41 (2) An appeal under Section (1) may be lodged within forty five days after the date of the decision or order.*

*Provided that, the High Court, may for good cause, extend the time for filing an appeal either before or after the expiration of such period of forty five days.”*

Attached to the applicant's affidavit is copy of his letter to the trial tribunal dated 20/05/2019.

In the said letter, the applicant requested to be supplied with copy of a judgment for further action.

According to copy of a receipt attached to the affidavit, the proceedings and judgment were availed to him on 06/08/2019 although the applicant said it was 26/07/2019.

As a judgment was delivered on 16/05/2019, it is clear that by either 26/07/2019 or 06/08/2019, time to lodge an appeal had expired.

On account of a fact that the applicant timely applied for such copies of a judgment and proceedings, I am satisfied that a good cause has been shown.

Consequently, the application is granted and leave is given to the applicant to file an intended appeal within thirty (30) days from date of delivery of this ruling.

No order for costs. It is so ordered.

Signed

AMOUR S. KHAMIS

JUDGE

27/03/2020

Date: 27/03/2020

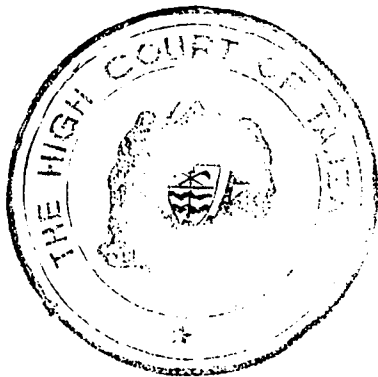
Coram: B.R. Nyaki, DR

Applicant: Absent

Respondent: Present in person

B/C: Lucy Thomas Haule, RMA

**COURT:** Ruling delivered this 27<sup>th</sup> day of March, 2020 in the presence of both parties.



B.R. Nyaki

DEPUTY REGISTRAR

27/03/2020

**Court:** Right of Appeal explained fully.

B.R. Nyaki

DEPUTY REGISTRAR

27/03/2020