

IN THE HIGH COURT OF TANZANIA

(LAND DIVISION)

AT SUMBAWANGA

MISC. LAND APPLICATION NO. 13 OF 2020

(Originating from Land Appeal No. 35 of 2019 of the District Land and Housing Tribunal for Katavi and Land Dispute No. 17 of 2018 of Mpandandogo Ward Tribunal)

SERIKALI YA KIJIZI CHA MCHAKAMCHAKA APPLICANT

VERSUS

ISAACK MELI RESPONDENT

Date of last Order: 10/02/2021

Date of Ruling: 31/03/2021

RULING

C.P. MKEHA, J

In the present application, the applicant is moving the court for extension of time in view of challenging decision of the District Land and Housing Tribunal for Katavi, which was delivered on 10/10/2019 in Land Appeal No. 35 of 2019. The application is made under section 14(1) of the Law of Limitation Act. On behalf of the applicant, Ms. Mbuki learned Solicitor for Mpanda District Council argued the application. On the other hand, the respondent was unrepresented.

According to the applicant's written submissions and in terms of the affidavit supporting the application, the Village Chairman who was making follow - up of

the case was busy with preparations for election of village leaders hence, he failed to attend before the District Land and Housing Tribunal when the decision sought to be appealed against was delivered. That, it was until the 15th December, 2019 when the deponent knew of the decision against the applicant and that, the applicant obtained a copy of decision after expiry of 45 days. The affidavit does not however indicate that it was failure of the District Land and Housing Tribunal to supply relevant copies of decision which delayed the applicant in taking an action of appealing.

The respondent's reply was brief that, the applicant had failed to give sufficient reasons for the delay. He then pressed for dismissal of the application.

The only determinative issue is whether the applicant has offered sufficient reasons for delay.

The applicant was not certain on what exact date copies of the decision sought to be appealed against were obtained. Paragraph 12 of the affidavit in support of the application merely indicates that it was after expiry of 45 days. Counting from the date of delivery of the decision sought to be appealed against, 45 days lapsed on 24/11/2019. The present application was filed on 20/08/2020. It was after more than 300 days since when the decision sought to be appealed against was delivered.

In the case of **Bushiri Hassan vs. Latifa Lukio Mashayo, Civil Application No. 3 of 2007** the Court of Appeal strictly held that, the applicant has to account for every single day of delay. Apart from the general description as indicated hereinabove, the applicant has not accounted for hundreds of days spent, before the present application was filed in court. It is therefore my holding that sufficient reasons for the delay have not been shown by the applicant.

For the foregoing reasons, the application is dismissed for want of merits. I make no order as to costs.

Dated at **SUMBAWANGA** this 31st day of March, 2021.




C.P. MKEHA

JUDGE

31/03/2021

Court: Ruling is delivered in the presence of the parties.




C.P. MKEHA

JUDGE

31/03/2021