

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(IN THE SUB-REGISTRY OF SHINYANGA)  
AT SHINYANGA**

**LAND APPEAL NO. 26922 OF 2023**

*(Arising from the District Land and Housing Tribunal of Maswa, Land Application  
Case No. 10 of 2023)*

**YELA KASALU.....1<sup>ST</sup> APPELLANT**

**BONIPHACE MABULA .....2<sup>ND</sup> APPELLANT**

**VERSUS**

**PILI YAHUNJA ..... RESPONDENT**

**RULING**

*29<sup>th</sup> February, 2024*

**MWAKAHESYA, J.:**

The Maswa District Land and Housing Tribunal delivered its judgement on 3<sup>rd</sup> October, 2023. The appellants' petition of Appeal was lodged on 05 December, 2023 which is 61 days since the judgement appealed against was delivered. The Respondent prayed that the appellants' appeal be dismissed for being time barred in line with the preliminary objection she had raised.

According to section 41(2) of the Land Disputes Courts Act, appeals from District Land and Housing Tribunal to the High Court are to be preferred within 45 days after the date of the decision or order appealed against. The relevant provision reads:

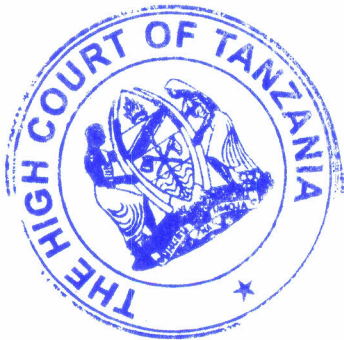
***41. Appeals and revision***

*(1) Subject to the provisions of any law for the time being in force, all appeals, revisions and similar proceeding from or in respect of any proceeding in a District Land and Housing Tribunal in the exercise of its original jurisdiction shall be heard by the High Court.*

*(2) An appeal under subsection (1) may be lodged within forty five days after the date of the decision or order: Provided that, the High Court may, for the good cause, extend the time for filing an appeal either before or after the expiration of such period of forty five days.*

In light of the above provision of the law coupled with the fact that the appellants have readily conceded that their appeal was filed out of time, and coupled further with the fact that there is no leave for the appellants to file this appeal out of time I hereby dismiss the appeal for being time barred.

The respondent is to have her costs.



  
**N.L. Mwakahesya**  
**Judge**  
**29/02/2024**