

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

**MISC. LAND CASE APPLICATION No.544 OF 2019**

**THOMAS GILBERT OBILLA.....APPLICANT**

**VERSUS**

**PERPETUA BONIFAS CHILAI.....1<sup>ST</sup> RESPONDENT**

**ROBERT JOSEPH CHITI.....2<sup>ND</sup> RESPONDENT**

**PRISCA ISAYA KILWAI.....3<sup>RD</sup> RESPONDENT**

**RULING**

**S.M MAGHIMBI, J.**

The applicant has moved this court under the provisions of Section 41(2) of the Land Disputes Courts Act, Cap 216 R.E 2002, Act No. 2 of 2002 seeking for extension of time to appeal against the Judgment and Decree of the District Land and Housing Tribunal for Ilala at Ilala (the **Tribunal**) in Application No. 21 of 2014. The application is supported by an affidavit of the Applicant sworn on the 20<sup>th</sup> day of September, 2019. This application was disposed of by way of written submissions as scheduled by the court whereas the written submissions by the applicant were drawn and filed by the applicant himself. The respondents did not file their reply to the main submission and therefore this application proceeded ex-parte against them.

In his submissions to support the application as well as in his affidavit, the main reason for the delay was attributed to the delay in obtaining the copies of Judgment and Decree of the decision of the tribunal which the applicant is intending to appeal against. That judgment was delivered on 13/06/2018 and he

obtained the same on 17/09/2018 but had already filed a Misc. Land Application No. 467/2018 which was on the 17/09/2019 struck out for being incompetent hence this application filed on the 24/09/2019.

I have gone through the applicant's submission and noted that indeed the Judgment and Decree of the tribunal were certified and extracted (respectively) on the 17/09/2018 and the applicant had brought proof that he was making follow ups on the documents since 10<sup>th</sup> July 2018 which is less than a month after the impugned decision was delivered.

It has been further shown that the applicant had previously lodged a Misc. Land Application No. 467/2018 which was on the 17/09/2019 struck out for being incompetent and this application was filed on 24/09/2019 which is only 7 days after the previous application was struck out. All these facts and evidence sufficiently showed that the applicant never slept on his rights and was along in pursuit of that right. That being the case, I am satisfied that sufficient cause for the delay have been shown and therefore the applicant is granted the prayers sought in the affidavit. Time is hereby extended for the applicant to lodge his intended appeal which shall be so lodged within 21 days of the date of this ruling. Costs shall follow cause.

***Application granted.***

Dated at Dar es Salaam this 27<sup>th</sup> day of August, 2020.



  
**S.M.MAGHIMBI**  
**JUDGE**