

**IN THE HIGH COURT OF TANZANIA**

**(LAND DIVISION)**

**AT MBEYA**

**MISCELLANEOUS LAND CASE APPLICATION NO. 49 OF 2013**

**BONIFACE B. KAHEMA.....APPLICANT**

**VERSUS**

**MUSSA THOMAS.....RESPONDENT**

**RULING**

Upon perusing the application and affidavit in support thereof, and upon hearing the learned counsel for the Applicant and the Respondent, it is ordered that the Application to extend the time for filing the Appeal after the limitation period of sixty days from the date of judgment and decree is not granted.

The prayer for an order for stay of Execution against the judgment passed by the District Land and Housing Tribunal for Mbeya and the Ward Tribunal of Chilulumo in Mbozi District too is not granted.

I hold so because I do not see any good reason in the circumstances of this case to mulct the decree holders in the cost of this Application or to deprive them of the right of enjoyment of the fruits of the Decree passed by the two tribunals.

It seems from the submission the Applicant did not desire to Appeal in time. By the very nature of the suit as the parties in this suit are not the real owners of disputed land but their grand fathers –

*'wajukuu na mababu zao'*. I can not predipose the court towards such a futile exercise of determining unnecessary suits or endless litigations.

Accordingly this Application is not granted. It is dismissed with costs.



**A.F. NGWALA,**

**JUDGE**

**15/12/2015**

**Date:** 15/12/2015


**Coram:** Hon. A.F Ngwala, J.

**Applicant:** Absent

**Respondent:** Absent

**Court:** Ruling delivered in the absence of the parties.

**Court:** Right of Appeal or Court of Appeal of Tanzania explained.

  
**A.F. NGWALA,**  
**JUDGE**  
**15/12/2015**