

TANZANIA / JUDGMENT

mwajuma fadhili vs jebeye fadhili and 4 others 2023 tzhc 21857 3 october 2023

COURT
TZHCDECIDED
3 October 2023

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URT OF THE UNITED REPUBLIC OF TANZANIA DISTRICT REGISTRY OF KIGOMA MISC. LAND APPLICATION NO. 022 (Ar land Appeal No. 41/2020 of the District Land and Housing Tribunal, Originating from Mahembe Ward Tribunal) MW ADHILI APPLICANT
VERSUS JEBEYE FADHIL AND 4 OTHERS RESPONDENT

JUDGMENT

31/8/2023 & 3/10/2023 Mlacha, J This is an application for revision filed by Mwajuma Fadhili, hereinafter referred to as the applicant. She asked the court to call for and revise the records of Land appeal No. 47 of 2022 of The District land and Housing Tribunal for Kigoma region (the DLHT) claiming material irregularity in the conduct of the matter. In order to appreciate the complaints, I shall now tell how it all started. It was at the Ward Tribunal of Mahembe where the applicant initiated a land dispute against the respondents namely, Njinjwi Simon, Makata Bande, Asia Nsharnaje and Siyawezi Nikodem claiming to be the owner of a piece of land which is the subject of this appeal. The dispute was decided in favour of the respondents. Struggling for her right, she decided to file an application for extension of time, Misc. Land Application No. 152 of 2021 at the DLHT to be allowed to file an appeal out of time. She had nothing to gain, her application was dismissed on ground that since the previous appeal was dismissed for being time barred, she cannot file an application for extension of time to file an appeal out of time on the appeal which was previously dismissed for being out of time and that order was still intact. Feeling resentment of having been unfairly treated on extension of time, unsuccessful, she filed an appeal to this court via Misc. Land appeal No. 06 of 2022. This Court under section 41A (3) of the Land Disputes Courts Act Cap 216 R.E. 2019, ordered the appeal to be entertained by Hon. R. E. Kangwa, SRM-Extended jurisdiction. It was so entertained. After seeing all his efforts have hit the rock, she decided to draw the attention of this court to call for and revise the records of the land appeal No. 47 of 2022 of the DLHT for its irregularities. This is now the matter before the court. 2 During the hearing of this application, both the appellant and the respondents were unrepresented. The matter was argued orally. Being a lay person, the appellant did not submit in the line with the revision, she instead provided the evidence of which in my view could not save the purpose of this revision. She narrated the story on how her 7 palms trees were cut down and on how she wanted to be killed by the respondents

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