

TANZANIA / JUDGMENT

PASKALI RULING

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4 March 2025

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IN THE HIGH COURT OF TANZANIA DODOMA SUB - REGISTRY AT DODOMA LAND APPEAL NO.
77 OF 2023 (Originating from Land and Housing Tribunal for Dodoma in Misc. Land Application
No. 59 of 2021) PASKAUNDALU AP VERSUS
JACKSON MAKOLE RESPONDENT

RULING

Date: 04/03/2025 Hassan, J.: This ruling stems the decision of the District Land and Housing Tribunal for Dodoma in Misc. Land Application No. 59 of 2021. In that appeal, the trial tribunal ruled against the appellant herein in his application for an extension of time. Initially, both parties were enjoying legal service from their respective counsels, namely, learned advocate David Malugu, who appeared for the respondent. Whereas, for the appellant, both learned advocates Tumsifu Mvela and Fredy Kalonga appeared interchangeably. Coming today, the 4th day of March 2025, the appeal was called up for hearing. Thus, the appellant appeared in person without the aid of his advocates, but he opted to proceed with the hearing. He averred that his advocates were absent without notice to him and the court in spite of them being aware of the hearing date. The respondent was present under the legal warden of his counsel. Before taking off with the hearing, I, *Suo Motu*, noted an irregularity in the records of appeal, which can affect the jurisdiction of this court to entertain the matter. The fault noted is thus: the appeal was filed out of time in violation of section 41 (2) of the Land Dispute Court Act, Cap. 216 R.E.

2019. Seeing that, I invited the parties to address the anomaly observed. As a layman, the appellant had very little to present, though he conceded the fault. On the other side, learned advocate Malugu also conceded to what the court has observed. Basically, this appeal was filed in the electronic case filing system on 17th July, 2023, whereas the decision that is appealed against was certified on 22nd May, 2023, only to show that it was ready for delivery. Now, section 41 (2) of the Land Dispute Court Act, Cap. 216 R.E. 2019, provides for 45 days for appeal from DLHT to high court. Therefore, calculating the date in between those dates, 45 days have lapsed 2 with access of 10 days. In the circumstance, the appeal was time-barred, and the remedy available for the appellant was to apply for an extension of time. Thus, since the appellant herein did not follow the correct route, the appeal is without legs to stand, and it ought to be struck out, as I hereby do. Based on the anomaly and the fact that it was raised by the court *Suo motu*, I make no order as to costs. It is

ordered. DATED at [04/03/2025 This Ruling delivered this 4th day of March, 2025 in the presence of the parties, and the matter is dismissed for want of time limit. 3

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