

TANZANIA / JUDGMENT

Masagala

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA (LAND DIVISION) AT PAR ES
SALAAM LAND APPEAL NO.8907 OF 2024 (Arising from Misc. Land Application No. 102 of 2021, of
the District Land and Housing Tribunal for Bagamoyo) YANGALAI
MASAGALA..... APPELLANT VERSUS ZAKAYO
MOHAMED.....RESPONDENT EXPARTE- RULING Date of Last
Order:04.07.2024 Date of Judgment:07.2024 T.N. MWENEGOHA, J: The appellant being
aggrieved by the Decision of Bagamoyo District and Housing Tribunal Appealed to this Court with
the following grounds; -

1. That, the Trial Tribunal erred in law and in fact by holding that, the disputed land belongs to the respondent for reason that one Masangwi Mirimo had a case with the respondent on the same piece of land.
2. That, Masangwi Mirimo live at Mnyambere while the appellant live at Urere more than 6 kilometers from the land of Masangwi.
3. That, the Ward Tribunal entertained the matters differently and visited Locus in quo and found that, the disputed property is different and far away from each other.
4. That, the trial Chairman erred in law in by holding that, the Decision of the disputed land between the respondent and Masangwi is Rem and not persona, as current disputed land is not the same as alleged. The Appeal was heard by way of written submissions and exparte against the respondent. The appellant appeared in person. In his submissions, he argued all four grounds of Appeal together and insisted that, the learned Chairperson of ,the Trial Tribunal, decided the matter on point of law that, the dispute was in rem and not in persona. He cited several sections of law and case laws without considering that, the disputed property is not the same as the alleged one. Having gone through the submissions of the appellant and the records from the Trial Tribunal, the issue for determination is whether the Appeal has merits or not. However, such task is not possible in this case due to reasons stated below. The problem with this Appeal has its roots from the Petition of the Appeal itself, where the grounds stated are not only confusing but difficult to categorize them as grounds of Appeal as they contain arguments instead of grounds of Appeal. Further, in his submissions, the appellant has contained all he is aggrieved about in one paragraph of two sentences, which contains a new story which is also confusing. With such a confusion

there is little this Court can do. Even with consideration to the records submitted before this Court, it is still difficult to decipher why, the appellant is before this Court, apart from the fact that he lost a case before the Tribunal. On the account of facts of this case, which includes incompetent Memorandum of Appeal and unclear and confusing pleadings, the same cannot stand. I hereby struck out the Appeal for being incompetent. No order as to costs. WENEGOHA 31/07/2024

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