

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(ARUSHA DISTRICT REGISTRY)**

AT ARUSHA

MISCELLANEOUS LAND CASE NO. 68 OF 2018

*(Arising from Arusha District Land and Housing Tribunal; Application no.
37 of 2009)*

DICKSON MANGIA 1ST APPLICANT

ELIKANAWA PHILIPO MOSHI.....2ND APPLICANT

VERSUS

ANNA PHILIPO MOSHI (Legal representative

Of the late priscila Zakayo MfinangaRESPONDENT

I. MAIGE, J

RULING

1. This is an application for extension of time to appeal against the decision of the District Land and Housing Tribunal for Arusha ("DLHT") in Application No. 37 of 2009. The application is premised on the provision of section 14 (1) of the Law of Limitation Act, Cap. 89, RE.2002 ("the LLA") and is supported by the joint affidavit of the applicants.

2. The respondent has, through his advocate one Elikunda George Kipoko, deposed a counter affidavit opposing the factuality of the application. In addition, she has doubted, by way of a notice of preliminary objection ("PO"), the appropriateness of section 14(1) of the **LLA** in moving the Court for enlargement of time to appeal against a decision of the **DLHT**.

3. When the matter came for the disposal of the preliminary objection, advocate Lawena represented the applicant whereas advocate Juliana Moshi represented the respondent. I allowed the parties to address me on the **PO** by way of written submissions. The respondent through her counsel Kipoko filed her written submissions in due compliance with the Court order. The applicant did not. I took it that he was not contesting to the **PO**.

4. The submissions of Mr. Kindoko in support of the **PO** was very brief but precisely. He submitted that the time limit for an appeal arising from the decisions of **DLHT** is set out in the Land Disputes Courts Act. The power of the Court to extend time to appeal from such decisions is expressly provided for under section 41(2) of the Land Disputes Courts Act as amended by the Written Laws (Miscellaneous Amendment) Amendment Act (No.2) of 2016.

5. I have considered the submissions. With respect, I agree with the counsel for the respondent that this Court has not been properly

moved in entertaining the application. There being a specific law providing for application for extension of time, the **LLA** cannot by itself move the Court for the grant of the same. This is in accordance with the provision of section 43 (f) read together with section 46 thereof.

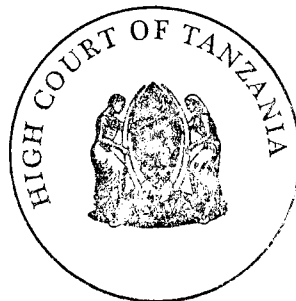
6. For those reasons therefore, the **PO** has merit and it is sustained. The application is hereby struck out with costs for being incompetent.



**I.MAIGE
JUDGE**

21/11/2018

Ruling delivered this 21st day of November 2018 in the absence of the applicants and in the presence of the respondent in person.



**I.MAIGE
JUDGE**

21/11/2018