

IN THE HIGH COURT OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

MISCELLANEOUS CIVIL CAUSE NO 18 OF 2018

*(In the matter of application for ratification of the title deed no 0330037/16
in the land register under the land registration act cap 334 R.E 2002)*

**IN THE MATTER OF TRANSFER OF THE RIGHT OF OCCUPANCY OF
THE ESTATE OF FORTUNAATUS MUSYETO LUKANIMA**

BETWEEN

FAUSTINE MATOGO MUSYETO
(As administrator of the state
of Fortunatus Msyeto Lukanima) }**APPLICANT**

AND

THE REGISTRAR OF TITLESRESPONDENT

R U L I N G

17.01.2019

Matupa, J

Upon perusal of the respective affidavits for the parties, and in the light of the position the Registrar of titles has taken, I am satisfied that the disposition which the Legal Representative of the late Chacha Nyabutongore never went through. As such, the title to the land designated as plot No 33 Bloch "w," with title No 033037/16 is still the property of the late Forrtunatus Musyeto Lukanima

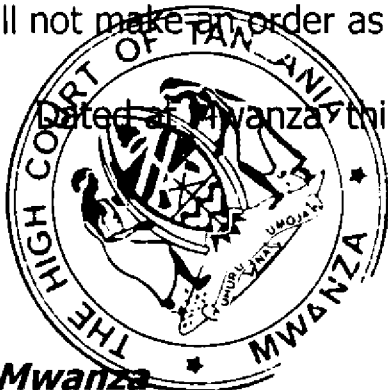
The request of the Legal Representative of Chacha Nyabutongore for a certified copy was predicated on the loss of the original certificate, which it now transpires that it was not lost.

Ordinarily, under section 38(2) when a duplicate copy is issued and later the original is discovered, the original has to be surrendered to the Registrar for cancellation. In the present case, the copy I am told, was not issued to Chacha Nyabutongore or his representative for that matter.

Since both copies are in the hands of the Registrar, and a new certified copy did not find its way out of the office of the Registrar of titles, rather than proceeding to order the cancellation of the original, I do hereby order the cancellation of the duplicate which was not issued.

I will not make an order as to costs.

Dated at Mwanza this 17th day of January, 2019.




S.B.M.G. Matupa,
Judge

At Mwanza
17th January, 2019