

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

AT MWANZA

LAND REVIEW NO. 02 OF 2020

(Arising from Misc. Land Application No. 152 of 2018).

YUSUF BAKARI NYAHORI *(An Administrator of
the estate of the MWANAASHA YUSUF MATIENYI)* **1ST APPLICANT**
FATUMA BAKARI **2ND APPLICANT**

VERSUS

**COMMISSIONER FOR LANDS, MINISTRY)
OF LANDS AND HUMAN SETTLEMENT)
DEVELOPMENT) 1ST RESPONDENT**
THE HONOURABLE ATTORNEY GENERAL 2ND RESPONDENT
MUSOMA MUNICIPAL DIRECTOR 3RD RESPONDENT
DONALD J. KAMORI 4TH RESPONDENT
HILARY PATRICE OTAIGO 5TH RESPONDENT
SAID ABDALLAH MATAMBO 6TH RESPONDENT

RULING

8th December, 2020, & 4th March, 2021

ISMAIL, J.

This application for review has been preferred against the decision of this Court, in Miscellaneous Land Application No. 152 of 2018. The latter was dismissed at the instance of the counsel for the 1st and 2nd



respondents, who raised a preliminary objection contending that the application was time barred. This objection was upheld, resulting in the dismissal of the application. The argument that swayed the Court was that 14 days that had been given to the applicant for filing an application for restoration of Land Case No. 9 of 2018, had been exceeded when the applicant filed the Misc. Land Application No. 152 of 2018.

The controversy arose when the decision that granted the extension bore varying dates on when the same was pronounced by the Court, to usher in the beginning of the 14-day extension period. At the foot of the ruling, the honourable presiding Judge showed that the decision was signed and issued on 26th June, 2018, while at the top of the 1st page the date that appears is 26th July, 2018. Noting that the date that counts in computation is the day on which the said decision was signed and issued, this Court based its decision on that date.

In the submission that supports the memorandum of review, the counsel for the applicants has appended a ruling issued by Hon. Rumanyika, J., in which errors that shrouded the decision were rectified. These errors included the varying dates of issuance of the ruling. Pursuant to the rectification, the date of its issuance is now 26th July, 2018. This

rectification enlarges time and gives life to the dismissed application, making it timeous.

In consequence, the decision of the Court, delivered on 22nd April, 2020 in Misc. Land Application No. 152 of 2018, is reviewed by vacating the dismissal order. Accordingly, the dismissed application is hereby restored. No order as to costs.

It is hereby ordered.

DATED at **MWANZA** this 4th day of March, 2021.



M.K. ISMAIL

JUDGE

Date: 04/03/2021

Coram: Hon. M. K. Ismail, J

Applicants: }

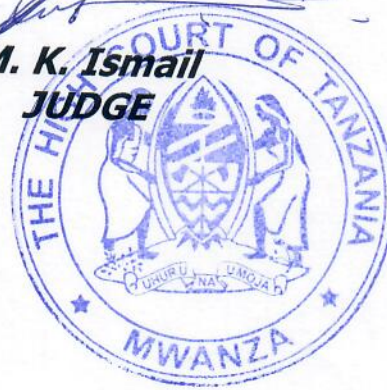
Respondents: } Absent

B/C: J. Mhina

Court:

Ruling delivered in chamber, in the absence of the parties, this 04th day of March, 2021.

M. K. Ismail
JUDGE



At Mwanza

04th March, 2021