

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

MISC. LAND APPLICATION No. 37 OF 2022

(Arising from the decision of the High Court of Tanzania at Mwanza in Land Appeal No. 52/2020 dated on 23/04/2021 (Honorable Rumanyika J.), and decision of the District Land and Housing Tribunal of Geita District at Geita in Land case No. 08 of 2017.

HANIFA ABDUL MFURUKI..... APPLICANT

VERSUS

**1. GEITA TOWN COUNCIL
2. JOSEPH M. NYEME**

} **RESPONDENTS**

RULING

28th September & 06th October 2022

OTARU J.:

The Applicant filed Land Application No. 08 of 2017 at the Land and Housing Tribunal for Geita against Geita Town Council and Joseph Mnyeme, the 1st and 2nd Respondents respectively. The suit was determined in favour of the Respondents. Dissatisfied, the Applicant appealed to the High Court through Land Appeal No. 52 of 2020. The High Court dismissed the Appeal with costs. Dissatisfied again, the Applicant intends to challenge that decision in the Court of Appeal of Tanzania. She is therefore seeking for Leave of this Court to do so.

M. Othman

The Applicant has moved this Court by way of Chamber Summons supported by the Affidavit sworn by Mr. Mathias Musa Mashauri, learned counsel representing the Applicant, contending that there are sufficient legal issues for consideration of the Court of Appeal.

When the matter came for hearing, the Applicant was represented by Mr. Mashauri and the 1st Respondent was represented by Mr. Evans Robi, the learned solicitor through tele-conference. The 2nd Respondent did not appear.

Counsel for the Applicant prayed for the matter to proceed ex parte against the 2nd Respondent because he was duly served through his employer, the 1st Respondent.

The records indicate that the 2nd Respondent is an employee of the 1st Respondent who received the summons on behalf of the 2nd Respondent and on behalf of itself, I thus satisfied myself that service was duly effected and proceeded with the hearing of the Application.

The legal representative of the 1st Respondent did not object the Application. After perusing the documents submitted, I am also satisfied

that there are sufficient legal issues for determination of the Court of Appeal. Consequently, Leave to Appeal to the Court of Appeal is granted.

Costs to follow the events.

DATED at **MWANZA** this 6th day of October, 2022.

M. Otaru
M.P. OTARU
JUDGE

Ruling delivered through teleconference with Mathias Mashauri, Adv for the Applicant and presence of Evans Robi,(Adv) for the 1st Respondent.

M. Otaru
M.P. OTARU
JUDGE
06/10/2022

