

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(LAND DIVISION)
AT DAR ES SALAAM**

LAND REVISION NO. 27 OF 2023

(Originating in Land Application No. 234 of 2014 by the District Land and Housing Tribunal for Ilala)

**SAMSON OLUCK MINGAIH NONDO T/a
ADJUSTMENT BUSINES COMPANY LIMITED.....APPLICANT**

VERSUS

EFC TANZA MFC LIMITED.....1ST RESPONDENT

**BLUESKY AUCTION MART &
REAL AGENCY CO. LTD.....2ND RESPONDENT**

ABDALLAH ISMAIL MWINYI.....3RD RESPONDENT

EX-PARTE R U L I N G

*Date of Last Order: 05.07.2023
Date of Ruling: 24.07.2023*

T. N. MWENEGOHA, J.

The Applicant invited this Court to call for, inspect and then revise the proceedings and decision given by Hon. Kirumbi, vide Land Application No. 234 of 2014, dated 07th June, 2022, given the District Land and Housing Tribunal for Ilala. The Application was made under **Section 43(1)(a) and (b), and 43(2) of the Land Disputes Courts Act, Cap 216 R. E. 2019**. The same was supported by the affidavit of the applicant, Samson Oluck Mngaih Nondo.

The 1st respondent on his part, objected the tenability of the matter, for being time barred. The objection was heard by written submissions. The applicant did not file a reply to the 1st respondent's submissions for reasons only known to him. Hence exparte Ruling.

Submitting for the preliminary objection, Mr. Cleophas James, learned counsel for the 1st respondent, insisted that, the Application at hand, contravenes the mandatory provision of **Item 21 Part III of the Schedule of the Law of Limitations Act, Cap 89 R. E. 2019**. The same was brought after expiry of 60 days. That, the impugned decision of Hon. Kirumbi was delivered on the 06th May, 2022. This case was filed on the 15th June, 2023. More than a year after the delivery of the said decision. Therefore, it is time barred as stated in **Nelson Mesha E. Mpemba versus Stephano S. M. Mpemba & 5 Others, Misc. Land Application No. 44 of 2021, High Court of Tanzania, (unreported)**.

Having considered the submissions of the 1st respondent's counsel, I will straight go into the merits or otherwise of the objection raised. Unquestionably, the instant Application is untenable for being time barred. As argued by Mr. Cleophas James, this case was filed after the expiry of 60 days period given by the law, see Item 21 Part III of the Schedule of the Law of Limitations Act, Cap 89 R. E. 2019 and the case of **Nelson Mesha E. Mpemba versus Stephano S. M. Mpemba & 5 Others, (supra)**, as properly referred by the counsel.

One can easily conclude that it is no wonder, the applicant decided not to contest the objection. He knew the same has merits. Hence, I sustain it accordingly and proceed to strike out the application with costs.

It is so ordered.


T. N. MWENEGOHA
JUDGE
24/07/2023