

**THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF MOROGORO)
AT MOROGORO**

MISC. LAND APPLICATION NO. 05 OF 2022

(Originating from District Land and Housing Tribunal in Land Case No. 108 of 2019 from Morogoro)

**AMINA RAMADHANI (The Administratrix
of late Said Fundi Mwandike APPLICANT
VERSUS
THE REISTERED TRUSTEES OF ROMAN CATHOLICS
DIOCES OF MOROGORO.....RESPONDENT**

RULING

Hearing date on: 16/6/2022

Ruling date on: 17/6/2022

NGWEMBE, J:

The applicant herein, instituted this application for extension of time within which, she may exercise her right of appeal against the decision of the District Land and Housing Tribunal for Morogoro, delivered on 15th December, 2022.

In her affidavit in support to the chamber summons in paragraphs 4, 5, & 6 disclosed the source of delay to be caused by the tribunal itself. That the tribunal failed to furnish her with relevant documents timeously.

Insisted in paragraph 4 that, immediate after delivery of the impugned decision, she applied for copies of judgement and decree, but same were delayed up to 1st February, 2022. Thus, out of statutory period to lodge her appeal.

Following that inordinate delay caused by the Tribunal, the learned advocate Damari Nyange, who appeared for the respondent, outright supported the application for extension of time and prayed the court to do justice to the applicant.

In this application, I fully subscribe to the arguments of learned advocate Nyange because the reason for delay of filing the intended appeal was due to the delay of receiving relevant documents to enable her to appeal timely. Therefore, this point alone is sufficient to grant extension of time.

In fact, extension of time is purely discretionary powers of this court upon being satisfied that, the applicant was prevented by a sufficient cause. In this application, the applicant was diligent enough to closely follow up those necessary documents, but the tribunal delayed to furnish her.

Therefore, I proceed to invoke my discretionary powers to grant the prayer for extension of time. The applicant is granted 20 days from the date of this ruling to actualize her intention. No order as to costs.

Order accordingly.

Dated at Morogoro this 17th June, 2022



P. J. NGWEMBE

JUDGE

17/7/2022

Court: Ruling delivered at Morogoro in Chambers on this 17th day of June, 2022 in the presence of the Applicant and in the presence of the Respondent.



P. J. NGWEMBE

JUDGE

17/6/2022

