



**IN THE EAST AFRICAN COURT OF JUSTICE AT ARUSHA
FIRST INSTANCE DIVISION**



(Coram: Monica K. Mugenyi, PJ; Faustin Ntezilyayo, DPJ; Fakihi A. Jundu; Audace Ngiye & Charles Nyachae, JJ)

REFERENCE NO. 10 OF 2017

1. OLOLOSOKWAN VILLAGE COUNCIL
2. OLOIRIEN VILLAGE COUNCIL
3. KIRTALO VILLAGE COUNCIL
4. ARASH VILLAGE COUNCIL

}APPLICANTS

VERSUS

**THE ATTORNEY GENERAL OF
THE UNITED REPUBLIC OF TANZANIA RESPONDENT**

6TH MARCH 2019

Application No. 10 of 2017

Page 1

Neufy


RULING OF THE COURT

1. We carefully listened to both Parties in this application for adjournment.
2. We find Rule 55(3)(b) of the Court's Rules of Procedure ('the Rules') as cited by learned Counsel for the Applicants inapplicable to this case. In our view, that Rule pertains to the duty upon the Court to conduct hearings expeditiously as detailed in Rule 55(3)(a), save for exceptional circumstances.
3. Rule 66(1) that was cited by the same Party is not applicable either as it pertains to a matter where hearing has commenced. That is not the case presently.
4. In the premises, this matter may only be adjourned in exercise of the Court's inherent powers under Rule 1(2) of the Rules, subject to the demonstration of sufficient reasons therefor.
5. In the instant case, no evidence was adduced of the hardship experienced in securing the expert witness the Applicants seek to call. The Applicants had ample time since November 2018 to secure this expert and/ or demonstrate his/ her disinclination to carry out the required land survey but failed or omitted to do so.
6. In the result, this Application is disallowed. We make no Order as to costs.
7. It is so ordered.

Dated, signed and delivered at Arusha this 5th day of March, 2019.



HON. LADY JUSTICE MONICA K. MUGENYI
PRINCIPAL JUDGE



HON. DR. JUSTICE FAUSTIN NTEZILYAYO
DEPUTY PRINCIPAL JUDGE



HON. JUSTICE FAKIHI A. JUNDU
JUDGE



HON. DR. JUSTICE AUDACE NGIYE
JUDGE



HON. JUSTICE CHARLES NYACHAE
JUDGE