

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

ARUSHA DISTRICT REGISTRY

AT ARUSHA

[LABOUR DIVISION]

LABOUR APPLICATION NO. 55 OF 2022

(Arising from Labour Dispute No. CMA/ARS/ARS/ARB/527/20, before Hon. Mourice Egbert Sekabila in the Commission for Mediation and Arbitration of Arusha at Arusha on the 16th day of August, 2021)

NOSACCU JCE LTD.....APPLICANT

VERSUS

JOYCE PAUL LORRY.....RESPONDENT

RULING

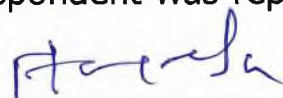
27 & 27/03/2023

MWASEBA, J.

The applicant, NOSACCU JCE LTD, is seeking orders of extension of time within which to file a revision out of time against the CMA decision No. CMA/ARS/ARS/ARB/527/20. The application was supported with an affidavit of Mr. Amani Rashid Mallya, Managing Director of the applicant.

Before this court, the applicant was represented by Mr. Emmanuel Anthony, learned Advocate, and the respondent was represented by Mr.

Richard Mosha, learned Counsel.

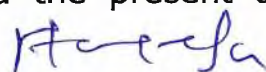


When the application was called for Orders on 27th March, 2023, Mr. Mosha, learned counsel told the court that, although they filed a notice of opposition, they would not oppose the application. He submitted further that, the record reveals that the application for revision was filed within the prescribed time but it was struck out for failure to attach form No. 10 at the Commission. He prayed for the court to exercise its discretionary power and extend the time so that the matter would proceed on merit.

On his side, Mr Emmanuel Antony the learned counsel stated that, as long as the respondent did not object to the application, he prayed for the same to be granted.

Having heard the submission of both parties, although the application was not objected this court will determine if the applicant adduced sufficient reason to move the court to grant the prayer sought.

In his affidavit supporting the application the applicant contended that his revision was filed within the prescribed time but it was struck out on 25/07/2022 for the sole reason of failure to file form No. 10 at the Commission for Mediation and Arbitration (CMA). He further argued that although the application was struck out on 25/07/2022 he was supplied with copies of the court order on 4/08/2022 after several follow ups. After that, he consulted his counsel who filed the present application on



17/08/2022. That means he filed this application soon after receiving the copies of the court order.

In our current application, the applicant has shown that he filed his application for revision within time but it was struck out for being incompetent. It is also pleaded in his affidavit that the copies of the order dismissing his application was supplied to him late on 4/08/2022 and soon he filed the application at hand. Due to that scenario, I concur with the learned counsel for the respondent that the applicant has shown sufficient reason to move this court to exercise its discretion and grant the prayer sought (See **Lyamuya Construction Company Limited vs Board of Trustees of the Young Women's Christian Association of Tanzania**, Civil Appeal No. 2 of 2010 (unreported)).

It is for the above reason; the application is granted and the applicant is given 21 days from today to file his application for revision. No order as to costs.

It is so ordered.

DATED at ARUSHA this 27th day of March, 2023.




N.R. MWASEBA

JUDGE