

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
LABOUR DIVISION
AT ARUSHA

MISC. LABOUR APPL. NO. 3 OF 2020

*(Arising from the judgment of the High Court of Tanzania at Arusha Hon.
M.R.Gwae, Judge dated 10th day of October 2019 in Labour Revision No. 90
of 2017)*

JULIUS FANUEL.....1ST APPLICANT

MANASE OBEID MICHAEL.....2ND APPLICANT

VERSUS

WORLD VISION TANZANIA.....RESPONDENT

RULING

03/08/2020 & 03/08/2020

GWAE, J

This is an application for extension of time filed by the applicants named above who brought it under section 14 (1) of the Law of Limitation Act, Cap 89 RE 2002. The applicants are seeking an indulgence of this court to grant extension of time to file a notice of review and an application for review out of time.

The application is supported by an affidavit of **Ms. Winnie Evarest Muvure**, the learned advocate for the applicant who also represented the applicant during hearing of this matter. The respondent on the other hand did not file counter affidavit nor did she enter appearance before the court

despite proof of service. Thus hearing of the application proceeded ex parte.

It is from paragraphs 3, 4, and 5 of the applicant's counsel affidavit where the reasons for the delay are stated to be; being supplied with defective copies of proceedings and decree with wrong dates and with a miss spelling of the name of the second respondent. Thus the applicants had to call for the rectification of the mentioned errors and by the time (7th February 2020) the correct copies of the proceedings and decree were availed to the applicants the time to file review had already lapsed.

It is apparent that, extension of time may only be granted upon the applicant showing good cause for the delay. It is trite law that to grant or refuse extension is entirely in the discretion of the court. It is also trite that such discretion is judicial and so it has be exercised according to the rules of reason and justice, and not according to private opinion or arbitrarily See: **Yusufu Same & Another v. Hadija yusufu**, Civil Appeal No. 1 of 2002 and **Lyamuya Construction Company Ltd v. Board of Registered Trustee of Young Women's Christian Association of Tanzania**, Civil Application No. 2 of 2010, both unreported.


Reverting to instant application, I have dispassionately considered the reasons for the delay in filing the notice and application for review as can be gleaned in the applicant's counsel affidavit. I have scanned the record of the matter as well. The record, which forms part of the affidavit which bears out that the proceedings and decree in Labour Revision No. 90 of 2017 contained some errors where by the decree appeared to be dated

17/10/2019 and also the proceedings appeared to be dated 15/10/2019 instead of 10/10/2019. The name of the second respondent was also misspelled instead of MANASE OBEID MICHAEL it appeared MANACE OBED.

The foregoing said and done, I am satisfied that the applicants have advanced sufficient reasons for the delay, in the premises this application is granted. The applicants shall have their notice of review filed within **five (5)** days from the date of this order and their intended application for review shall be filed within fourteen **(14)** days from the date of delivery of this ruling.

It is ordered.




M.R. GWAE
JUDGE
03/08/2020