

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(KIGOMA DISTRICT REGISTRY)**

**AT KIGOMA**

**LABOUR DIVISION**

**(APPELLATE JURISDICTION)**

**MISC. LABOUR APPLICATION NO 7 OF 2020**

*(Original CMA/KIG/DISP/51/2018)*

**KIBONDO DISTRICT COUNCIL..... APPLICANT**

**VERSUS**

**JOYCE D/O NYANDA..... RESPONDENT**

**R U L I N G**

*07/10/2020 & 21/10/2020*

**I.C. MUGETA, J.**

The applicant seeks extension of time to apply for revision of decision of the Commission for Mediation and Arbitration (CMA) in CMA/KIG/DISP/51 of 2018 involving the parties herein. The facts as discernable from the affidavit, counter affidavit and submissions of the parties' counsels is that the applicant and the respondent registered as settlement before CMA. Applicant alleges the settlement was irregularly procured because the person who represented the applicant had no authority and she acted contrary to the office instruction.

*Mugeta*

In the application of this nature, the issue for determination is whether the applicant has firstly, given a good cause to explain the reason for the delay secondly, whether he has accounted for each day of the delay. While there is always a reason for the delay, recently, the court is more interested in accounting for each day of the delay. There is no dispute that the certificate of settlement was issued on 25/5/2018. This application was filed on 19/6/2020, two years later. The reason advanced per paragraph 7 of the affidavit, the applicant had no legal officer. Evidence that the legal officer who is the deponent of the affidavit was transferred on 25/04/2018 is annexure "A2" to the affidavit.

While I have no problem with the applicant being without a legal officer, there is no evidence in the affidavit which shows as to when the applicant got a legal officer. In paragraph 8 of the affidavit, the deponent who claims to be the relevant legal officer who was transferred avers that he returned after two years. This is a general statement in a situation where the law requires the applicant to account for each day of the delay.

In paragraph 7 of the counter affidavit, there is undisputed evidence that between the period of the award up to when this application was filed, the deponent of the affidavit was the legal officer of the deponent as he attended several cases involving the applicant and the deponent of the counter affidavit. In his submission, Arnold Simeo, legal officer of the applicant, argued that the deponent at that time had been engaged for specific cases only. However, this is a statement from the bar which cannot controvert the evidence in paragraph 7 of the counter affidavit.

In view of the foregoing, I hold that the applicant has not accounted for each day of the delay. The application is without merits and it is hereby dismissed with costs.

  
**I.C. Mugeta**  
**Judge**  
**21/10/2010**



**Court:** Ruling delivered in presence of Mr. Arnold Simeo solicitor for applicant and in presence of Mr. Kagashe for Respondent.

**Sgd: A.J. Kirekiano**

**Deputy Registrar**

**21/10/2020**