

**THE HIGH COURT OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA
LABOUR DIVISION
AT SHINYANGA**

MISC. LABOUR APPLICATION NO. 24 OF 2019

(From Judgment in Labour Revision No. 8/2018 High Court of Tanzania Shinyanga)

**SAMWEL BULENGANIJAAPPLICANT
VERSUS
SHIRECU (1984) LTDRESPONDENT**

31st March, 2020.

G. J. Mdemu, J:


RULING

This application of the Applicant has two major legal defects, **one** is that, the notice of appeal to the Court of Appeal is nowhere to be seen and the affidavit is silent on this. The same has violated the provisions of Rule 46 (1) of Court of Appeal Rules, 2009 that require application of this nature to be entertained after the Applicant has lodged the notice of appeal. As the affidavit is silent, leave alone the faulty that the notice has not been annexed, this court has no record that, the Applicant did file the notice of appeal.

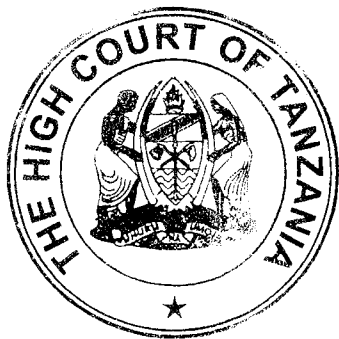
The **second** anomaly is that, the application is time barred. In terms of Rule 45 of Court of Appeal Rules as amended, application for leave to appeal to the court of Appeal has to be made within thirty (30) days from the date of the decision. The decision subject for leave was delivered by this court


(Ebrahim, J) on 12/07/2019. This application was filed on 23/09/2019. Indeed, it is out of prescribed period of thirty days.

Had it been for the first defect of want of notice of appeal, I would have struck out this application. Now that it is out of time, the remedy has been to dismiss, as I hereby do. It is so ordered.


G. J. Mdemu
JUDGE
31/03/2020

DATED at SHINYANGA this 31st day of March, 2020.




G. J. Mdemu
JUDGE
31/03/2020