

**IN THE HIGH COURT OF TANZANIA
(IN THE DISTRICT REGISTRY)
AT MWANZA**

LABOUR REVISION APPLICATION NO.54 OF 2020
(Original Dispute No. CMA/MZ/ILEM/91/2020/47/2020)

1. STECOL CORPORATION	} APPLICANTS
2. SINOHYDRO CORPORATION LTD		

VERSUS

JOSEPHINE LUKWETO RESPONDENT

RULING

Date of Last Order: 15.03.2021

Date of Ruling: 15.03.2021

A.Z.MGEYEKWA, J

This is an application which was brought under Rule 56 (1) and (3) of the Labour Court Rules, G.N No. 106 of 2007. The application was supported by an affidavit sworn by Cynthia Mwafongo.

On 15th March, 2021 when the matter came for hearing before me, Mr. Kinango, learned Advocate represented the applicant while Mr. Mazulla, learned counsel represented the respondent. The learned counsel for the respondent conceded to the application.

In support of this application, Mr. Kinango was brief and straight to the point, he urged this court to adopt the applicant's affidavit and Chamber Summons to form part of his submission. He went on to state that the main reason for extension of time is that the Arbitrator delivered the award on 20th July, 2020. However the same was issued on 9th October, 2020. Mr. Kinango lamented that the delay was out of the applicant's control since the law requires any party who files an application for revision to attach a copy of the judgment. He went on to state promptly on 15th December, 2020 after receiving the copy of award the applicant lodged the instant application.

On the above strength of the above submission, Mr. Kinango beckoned upon this court to grant the applicant's application to file a revision out of time.

It is trite law that the court of law can only grant an application for extension of time if good cause is shown which include the length of the delay, the reason for the delay, the degree of prejudice the respondent stands to suffer if time is extended, whether the applicant was diligent, whether there is a point of law of sufficient importance such as the illegality of the decision sought to be challenged.

In the instant application, the applicant was required to show good cause of his delay and account for each day of delay. The applicant in his affidavit and the learned counsel for the applicant during his submission stated that the applicant has sufficient reasons for his delay. On the other hand, the respondent's Advocate conceded to the application. I have perused the applicant's affidavit and found that the delay was out of the applicant's control. As rightly pointed out by Mr. Kinango the award was delivered on 20th July, 2020 and parties received their copies on 9th October, 2020. In the case of **Rajabu Zahuya v Mkonge Hotel Ltd** Lab. Div. Tanga Revision No. 26 of 2013, it was held that:-

"...what is required for the decision maker in such application is to assess whether the reason advanced

would have prevented a reasonable person from acting timely."

Applying the above authority, and under the circumstances, I am of the considered view that the applicant has adduced sufficient reason for his delay and it is in the interest of justice the applicant's application for extension of time to file an application for revision is granted. The applicant is required to file the intended revision within a month from the date of delivery of this ruling.

Order accordingly.

Dated at Mwanza on this 15th March, 2020.




A.Z.MGEYEKWA

JUDGE

15.03.2020

Ruling delivered on 15th March, 2020 via audio teleconference and both parties were remotely present.


A.Z.MGEYEKWA

JUDGE

15.03.2020