

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(IN THE DISTRICT REGISTRY OF KIGOMA)**

**AT KIGOMA**

**(APPELLATE JURISDICTION)**

**MISC. LABOUR APPLICATION NO. 01 OF 2021**

(Arising from Land Award of the Commission and Arbitration for Kigoma in Labour  
Dispute No. CMA/KG/DISP/145/2019)

**NDITEZE S/O WILSON .....1<sup>ST</sup> APPLICANT**

**JULIUS S/O DAUDI NAGUNWA.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**TANZANIA ELECTRIC SUPPLY COMPANY LTD .....RESPONDENT**

**R U L I N G**

16<sup>th</sup> & 16<sup>th</sup> April, 2021

**A. MATUMA, J.**

The applicants after they were aggrieved by the decision of CMA/KG/DISP/145/2019 brought application No. 14 of 2020 in this Court for Revision. On 28/01/2021 the respondent was served with a summons to appear for hearing of the application on 12/02/2021. She was however not served with the documents relating to the Application itself until on 09/02/2021 which was too short for them to prepare for hearing.

In that respect I did struck out the Application but allowed the Applicants to refile their application subject to time limitation. I did so to make the applicants serious to court businesses as they could not served the

respondent an empty summons without attaching to it the potential documents.

The applicant could not thus file a fresh application as at the time I struck out the application, they were already out of time hence this application.

The respondent has been effectively served and has actually filed a Notice in opposition and counter affidavit.

The applicants' advocate Mr. Michael Mwangati prayed for exparte hearing of this application and I granted the prayer. Having granted the prayer, the learned advocate adopted his affidavit in support of the application. In the affidavit the applicants have accounted for the delay to have been caused due to the order of this court as without such order, their application for Revision was timely filed. He thus explained what befallen the applicants for the failure to have effectively served the respondent with the main application. The stated reason is the parting of the partner advocate from their office and establishing her own office and therefore the employed legal officer to have mistakenly served the summons to the respondent without attaching the necessary documents.



It is my firm finding that the affidavit of the applicants has advanced sufficient cause for the delay taking into consideration that their previous application was timely filed.

Despite of the absence of the respondent at the hearing of this application, I have considered her counter affidavit but I have found nothing useful in it to impeach the contents in the affidavit of the applicants.

I therefore allow this application and grant the applicants fourteen days from today within which they should file their intended application for Revision.

No orders as to costs. It is so ordered.



**A. Matuma**

**Judge**

**16/04/2021**

**Court:** Ruling delivered in chambers in the presence of the applicants in person and represented by Mr. Michael Mwangati learned Advocate and in the absence of the Respondent.

**Sgd: A. Matuma**

**Judge**

**16/04/2021**