

**IN THE HIGH COURT OF TANZANIA**

**IN THE DISTRICT REGISTRY**

**AT MWANZA**

**LABOUR REVISION No. 09 OF 2021**

*(Originating CMA/MZA/ NYAM/330/2020)*

**NILE HEALTH CARE LIMITED**

**T/A UHURU HOSPITAL ..... APPLICANT**

**VERSUS**

**FILBERT JOHN MPOGORO ..... RESPONDENT**

**RULING**

08<sup>th</sup> June, 2021

**TIGANGA, J**

In Labour Revision No. 09/2021, the respondent one Filbert John Mpogoro raised four point of preliminary objection as follows;-

- i. That, the revision is incompetent in law because it is made against an interlocutory decision of the Commission Mediation and Arbitration,
- ii. That, the revision application is incompetent as it has not been prepared in the prescribed format,
- iii. That the application is time barred,



iv. That, the jurat of attestation is defective.

At the request of the parties, and with leave of the court, the preliminary objection was argued by way of written submissions. Following that leave, the respondent submitted in support of the first to third objection, but abandoned the fourth point of objection. For reason soon to be given, I will not in this ruling, reproduce what the applicant submitted. After the submission in support of the preliminary objection has been served to the applicant, the counsel for the respondent replied as follows:-

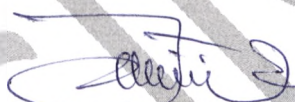
*"After going through the submission by the respondent, we humbly submit at the outset of this submission that the raised objection has merit and for that matter, we don't wish to abuse this honourable court's time and we concede to the raised preliminary objection. We pray that the file be returned to CMA so that we can proceed with the hearing of the respondent's complaint."*

From this concession, I find no reasons of going into details of the submission made by the respondent in support of the preliminary objection. On that ground, the points of preliminary objection raised by the respondent are upheld, the application at hand is therefore struck out for the reasons given in the raised preliminary objection listed above.

The application at hand is held to be pre - maturely filed in the High Court Labour Division. It is ordered that, the original record be returned to the Commission for Mediation and Arbitration to proceed with hearing of the complaint from where it ended. As this is a labour matter no order as to costs is made.

It is so ordered.

**DATED at MWANZA, this 08<sup>th</sup> day of June, 2021**

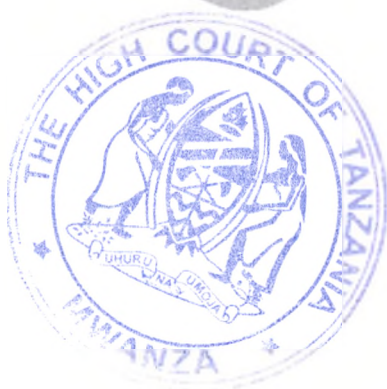


**J. C. Tiganga**

**Judge**

**08/06/2021**

Ruling delivered in open chambers in the presence Ms. Marry Melkiori, learned advocate for the applicant, and the respondent in person through audio teleconference.



**J. C. TIGANGA**

**JUDGE**

**08/06/2021**