

IN THE HIGH COURT OF TANZANIA
IN THE DISTRICT REGISTRY
AT MWANZA
MISC. LABOUR APPLICATION No. 30 OF 2021
(Originating from Revision Application No. 29/2021)

GEITA GOLD MINING LIMITED -----APPLICANT

VERSUS

EMMANUEL IHONDE -----RESPONDENT

RULING

31st August, 2021

TIGANGA, J.

The Applicant and Respondent were parties to the Labour Dispute **No. CMA/GTA/63/2019**, before CMA Geita, which upon being finalised they were both aggrieved by the decision and therefore each challenged the award by filing Labour Revision with this court, namely Labour Revision No. 29 of 2021 and 31 of 2021.

Following the presence of these two revision applications; the applicant filed this application under section 56 (c) of the Labour Institutions Act, No. 07 of 2004 and Rule 43 (1) (a) (b) of the Labour Court Rules GN No. 106 of 2007. In so doing he filed the Notice of Application,

Notice of Representation, Chamber Summons and Affidavit sworn by Ms, Neema Ngondagula, the applicants' Senior Legal Officer, asking for the stay of execution of the award in the said CMA/GTA/63/2019, the reasons for the application being the pending Labour Revision pending before this court.

On 09/09/2021 when this application was called for the first time before me, I ordered the Respondent to be served and to within fourteen days file the counter affidavit.

However, when this application was called today, he submitted before the court that he was served late on 27/08/2021, after the 14 days within which he was supposed to file the counter affidavit had lapsed. However, he notified the court that given the state of affairs, he does not intend to file the counter affidavit and object the application. He in essence asked the application to be granted, the execution be stayed pending hearing and determination of the two revision applications.

Basing on that concession by the counsel for the Respondent, I hereby allow the application and stay the execution of Labour Dispute **No.**

CMA/GTA/63/2019, pending hearing and determination of Revision Applications No. 29 of 2021 and 31 of 2021.

It is so ordered.

DATED at **MWANZA** this **31st** day of **August, 2021**.



J. C. Tiganga

Judge

31/08/2021