

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(DODOMA DISTRICT REGISTRY)
AT DODOMA**

REVISION APPLICATION NO. 25 OF 2020

BETWEEN

FARASHA CO. LTD (NASHERA HOTELS DODOMA) APPLICANT

VERSUS

JOHN BROWN MAGODI & 5 OTHERS RESPONDENTS

RULING

9/5/2022

MASAJU, J

The Applicant, through the service of Mr. Baraka Lweeka, the learned Counsel, raised a preliminary objection on point of law that the Respondents' Counter Affidavit was incompetent before the Court because it had been filed in the Court late contrary to Rule 24(4) (a) of the Labour Court Rules, 2007. That, the impugned Counter Affidavit should therefore be struck out of the Court.

The Respondents, in the service of Mr. Kwijula Kajula (TUICO), readily conceded the preliminary point of law and prayed the Court to grant them leave to file the intended Counter Affidavit in the extended time. The Respondents' oral prayer was not contested by the Applicant save that he

advised that the impugned Counter Affidavit should be struck out of the Court first prior to filing the intended Counter Affidavit.

Thus, the impugned Counter Affidavit is hereby struck out of the Court for want of competence, in that it was filed in Court late contrary to Rule 24(4) (a) of the Labour Court Rules, 2007.

At the same time pursuant to Rule 56 (1) of the Labour Court Rules, 2007 leave is hereby granted to the Respondents to file their intended Counter Affidavit, if any, in the Court and serve the Applicant accordingly within fifteen (15) days of this order.




GEORGE M. MASAJU

JUDGE

9/5/2022