

IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA

(LABOUR DIVISION)

AT SHINYANGA

LABOUR REVISION No. 10 OF 2022

(Arising from EXECUTION NO.13 of 2022)

FIRST ENVIRO LIMITED..... APPLICANT

VERSUS

1. MICHAEL JOHN NJOROGHE.....	RESPONDENTS
2. JACOB EZEKIEL MASANJA.....	
3. ISACK YONA NASSAR.....	
4. MASUMBUKO SHABANI SHILINDE.....	
5. JUMANNEWILLIAM MBATILO.....	
6. JOSEPH YONA NASSAR.....	
7. CHRISTOPHER R. KABENGA T/A ABAJAJA COURT BROKER.....	

RULING

When this application came for hearing, the respondents lamented that they have not been served with the requisite pleadings for their preparations in the hearing of this application. Some of them except the 1st and the 2nd Respondents were not even given the summons and came to this case after hearing from 2nd respondent that he has received the summons.

Advocate Siraji Kwikima who was holding brief of advocate Ernest Urio for the Applicant conceded that the 3rd to the 7th respondents have not been served.

He however maintained that the 1st and the 2nd respondents were served according to the information he was given by advocate Urio. Since this matter was fixed today for hearing but the advocate for the Applicant deliberately did not serve the Respondents with his Chamber summons and Affidavit, it means he was not prepared for hearing of this application as scheduled.

It is a settled law that failure of the Applicant to effect service to the respondents amounts to failure to prosecute the application. ***See, Matias Luhana versus Mupizi Mpuzu, Misc. Land Appeal no. 2 of 2019*** High Court at Kigoma and ***Joachim M. Nkwabi (Administrator of the Estate of the late Mhoja Nkwabi) versus Advir Company Limited and others, Land Appeal no. 58 of 2021***, High Court at Shinyanga.

Since the Applicant served the 1st and 2nd Respondents with empty summons and did not serve the rest of the respondents with both summons and pleadings, I have no any reason to further adjourn this case because the respondents are not aware of the claims against them. I cannot even grant the prayer for them to be served because no reason has been adduced for failure to effect such service to the available people who have even turned up by a mere Communication between them.

This application is therefore dismissed for want of prosecution. The Applicant is condemned costs to the respondents.

It is so ordered.



A. MATUMA
JUDGE
02/12/2022