

IN THE HIGH COURT OF TANZANIA

DODOMA DISTRICT REGISTRY

AT DODOMA

MISC. LABOUR APPLICATION NO. 21 OF 2019

*(Originating from Complaint Number CMA/DOM/54/2019 from the commission for
Mediation and Arbitration at Dodoma)*

FUTURE COLOURFUL LIMITED APPLICANT

VERSUS

RHODA ERNEST MIGUNA & 14 OTHERS RESPONDENT

RULING

4th August, 2021 & 10th February, 2022

M.M. SIYANI, J.

On 5th September, 2019 the CMA passed a decision that offended the applicant. The applicant wishes to challenge that decision in this court but she is time barred, hence this application. That decision does not state if it was delivered in the presence of any party. The proceedings show that it was supposed to be delivered on 23rd August, 2019 at 13:00 hours per the orders of 16th July, 2019. The record is silent on what transpired at the

Commission from 16th July, 2019 and 5th September, 2019. According to the affidavit of the applicant no notice was given of the judgment date after its adjournment on 23rd August, 2019. She became aware of the judgment on 23rd October, 2019 when summoned to appear before this court for execution proceedings. On 11th November, 2019, this application was filed. The counter affidavit of the respondent avers that the applicant had knowledge of the date of judgment or neglected to do follow ups to receive the judgment.

The case was heard by written submissions where the counsel for the parties have repeated the contents of the affidavit and counter affidavit. In the submissions arguments, counsel for the applicant submitted that the applicant has shown good cause sufficient to grant the application while the opposing counsel has argued that no good cause has been shown and the applicant has not accounted for each day of the delay. That the applicant was negligent to follow up the adjournment of the case.

It is now settled that an application for extension of time ought to be granted upon showing a good cause and accounting for each day of the delay. In this case the proceedings do not show that the applicant was aware of the judgment date after it was not delivered on the appointed date. The judgment itself is silent on either the applicant was present to receive the judgment or had notice of the judgment. This confirms the allegation of the applicant that no notice was given of the judgment delivery date. The statement that the applicant became aware of the judgment on 23rd October, 2019 is undisputed. The applicant filed this application on 11th November, 2019 which is eighteen days from the date of the knowledge. The applicant did not state to which use she put those days but presumably it was on preparation of this application which is enough account of the delay. The applicant acted diligently by filing the application within eighteen days. The application is therefore granted and the applicant is given thirty days from the date of this ruling to initiate the intended revision proceedings. No order as to costs is issued.

DATED at DODOMA this 10th day of February, 2022.



M.M. SIYANI
JUDGE