

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(IRINGA SUB REGISTRY)
AT IRINGA**

MISC. LABOUR APPLICATION NO. 4 OF 2023

*(Arising from Labour Revision No. 12/2021 of the High Court of Tanzania at Iringa
before Hon. S.M. Kalunde, J, Original Labour Dispute No. CMA/IR/97/2020 of the
Commission for Mediation and Arbitration of Iringa before Hon. Msuri, Arb.)*

ACCESS BANK TANZANIA LIMITED APPLICANT

VERSUS

HAJI MATUNDU RESPONDENT

RULING

23rd & 25th May, 2023

I.C MUGETA, J:

On 17/9/2021, the applicant filed Labour Revision No. 12 OF 2021. That application was dismissed on 28/10/2022 by my brother Kalunde, J. for being time barred. On 16/2/2023, the applicant filed this application applying for orders of extension of time. As the case was called for hearing today, I asked the counsel for the parties about the competency of this application. The issue I posed to them is whether after a dismissal order a party can file an application for extension to refile the dismissed case.

Counsel for the respondent answered the issue in the negative without citing any law to support his views while counsel for the applicant left it to the court to decide.

According to section 3(1) of the law of limitation act [Cap. 89 R.E 2019] a case filed outside the prescribed period of limitation ought to be dismissed. It is now settled that a remedy against a dismissal order is an appeal. Applying for extension of time is not one of the remedy against the dismissal order. This is the holding in **East African Development Bank V. Blueline Enterprises Ltd**, Civil Appeal No. 101 of 2009, Court of Appeal – Dar es Salaam (unreported)

For the foregoing, hold I that the application is incompetent. I dismiss it without orders to costs as this a labour dispute.



Mugeta

I. C. MUGETA

JUDGE

23/5/2023

Court: Ruling delivered in chambers in the presence of the Evance Lwekaza, advocate for the applicant and Jonas Kajiba for the respondent.

Sgd. I. C. MUGETA

JUDGE

23/5/2023