

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**IN THE SUB - REGISTRY OF SHINYANGA**

**LABOUR DIVISION SHINYANGA**

**AT SHINYANGA**

**LABOUR REVIEW NO. 1 OF 2023**

**IBRAHIM JOSEPH MPANDUJI.....APPLICANT**

**VERSUS**

**BULYANHULU GOLD MINE LIMITED.....RESPONDENT**

**[Application from the decision of the High Court of Tanzania at  
Shinyanga.]**

**(Hon. E.Y. Mkwizu, J.)**

**dated the 3<sup>rd</sup> day of June, 2022  
in  
Labour Revision No. 11 of 2021**

**RULING**

*27<sup>th</sup> December & 28<sup>th</sup> December, 2023.*

**S.M. KULITA, J.**

This application, has been initiated by a complaint letter from the applicant herein. In his complain, he states that, proceedings and decree in the Labour Revision No. 11 of 2021 are defective for having being given a wrong name and different dates from the date of the judgment respectively.

On that account, the applicant prays for rectification of the same mistakes and re issue of a letter informing collection of the records of appeal and certificate of delay which will correspond to the prevailing situation.

The brief background that gave rise to this application is that, in this High Court Shinyanga Sub-Registry, parties herein, had a labour dispute, through Labour Revision No. 11 of 2021 before Hon. Mkwizu, J. The said Labour Revision No. 11 of 2021 before Mkwizu, J, resulted after the applicant's application for condonation at the Commission for Mediation and Arbitration (CMA) being refused. After hearing of the same Hon. Mkwizu, J, found nothing to fault the CMA decision, hence the said Labour Revision No. 11 of 2021 was dismissed. That was on 3<sup>rd</sup> June, 2022.

That decision aggrieved the applicant herein, hence, initiated the appeal at the Court of Appeal. In an effort to fulfil his goal, he sought for and was informed to collect his records of appeal. When he collected the same, it is when he found the prevailing errors in the decree and the proceedings both of the Labour Revision No. 11 of 2021, hence, this application for review to correct the same.

In an effort to determine this application, I had to thorough go through both records, that is, the CMA's whose Registration No. is REF. NO. CMA/SHY/50/2020 and that of High Court which is Labour Revision No. 11 of 2021.

The records show that, from the CMA to this High Court parties names have been **IBRAHIM JOSEPH MPANDUJI** and **BULYANHULU GOLD MINE LIMITED**.

However, in the proceedings of the Labour Revision No. 11 of 2021, the respondent has been named as **PANGEA MINERALS LIMITED**. In the light of the prevailing situation that **PANGEA MINERALS LIMITED** has never been a party to this case, I can see it being a typographic error, as the right name that should have been written is **BULYANHULU GOLD MINE LIMITED**. On that account, I am of firm views and I hereby order that, the proceedings in the Labour Revision No. 11 of 2021 be rectified by inserting the respondent's name as **BULYANHULU GOLD MINE LIMITED** and remove the wrongly alleged to be the respondent's name of **PANGEA MINERALS LIMITED**.

The same applies to the decree that emanates from the Labour Revision No. 11 of 2021. A close look on the decree, proves that, the

respondents name has been written **BULYANHULU GOLD MINE**. As the respondent's name is **BULYANHULU GOLD MINE LIMITED**, then the word **LIMITED** is seen to have been omitted therein. In the light of what I have endeavored to provide above, I am firm that, the omission of the word **LIMITED** was a typographic error which I hereby order rectification of the same in a decree. Thus, the respondent's name in the decree should include the word **LIMITED**.

Lastly on the issue of deference in dates of the delivery of judgment and its resultant decree. Our laws have been terming it defective to have a decree which bears a different date from the date that its judgment had been delivered.

I have gone through the decision in Labour Revision No. 11 of 2021. The same shows that, it was delivered on 3<sup>rd</sup> June, 2022. But the decree that emanates from that decision, is dated 25<sup>th</sup> August, 2022. This is an error. On that note, I hereby order that, the dates that appearing in the decree should be rectified to relate with that appearing in its decision which is 3<sup>rd</sup> June, 2022.

As the applicant intends to appeal to the Court of Appeal when taking into consideration that the errors above shown are not contributed by the applicant herein, I find it appropriate to order that, a

new certificate of delay should be prepared and the same should cover all days from 21<sup>st</sup> June, 2020 when the applicant requested for copies of proceedings, judgment and decree of Labour Revision No. 11 of 2021 to when the applicant is again informed to collect the new rectified proceedings and decree of Labour Revision No. 11 of 2021. And of course, the new letter informing the applicant to collect the rectified proceedings and decree should be the date that the said rectified proceedings and decree will be ready for him to collect.

In upshot the application is hereby **granted**.

  
**S.M. KULITA**  
**JUDGE**  
**28/12/2023**

**DATED** at **SHINYANGA** this 28<sup>th</sup> day of December, 2023.



  
**S.M. KULITA**  
**JUDGE**  
**28/12/2023**

