

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

**LABOUR DIVISION
AT ARUSHA**

MISC. LABOUR APPLICATION NO. 36 OF 2023

(C/F High Court Labour Division Revision No. 7 of 2009 Original CMA
COMPLAINT NO. ARS/CMA/MED/38/2008)

SUNFLAG (T) LTD APPLICANT

VERSUS

1. **LUCY KUNDANKIRA NDOSSY**
2. **NICAS BAZIL**
3. **WELU MKUMBO**
4. **CHACHA WILLIAM**
5. **NIENDIWE KAZOKA**
6. **JALIA OMARI**
7. **JULIANA NDOSI**
8. **LEAH ANDREA MHACAMA**
*(Administratrix of the Estate
of Andrew Lukuwi)*
9. **LOBULU R. AKATIA**
10. **MARY MWENDI**
11. **MONICA MATHIAS**
12. **HILDA JOHN**
13. **ESTEROSE ELIAS**
14. **JACKLINE DENIS**
15. **NEEMA JAMES**
16. **AMBROSIA DIWANI**
17. **ACRIPINA MWINJO**

RESPONDENTS

18. SOPHIA SELEMANI
19. FLORA MUYA
20. ELIZABETH PETER
21. CHRISTOPHER BOBEWE
22. OLIVA JAMES
23. NATUJWA SAFIEL
24. MATILDA MKUMBI
25. HAPPY MHONE
26. ANDREA TINGATINGA
27. ANJELINA KITOJO
28. ROSE PIUS
29. MONICA SHAGALI
30. REHEMA ALLY
31. FATUMA IDDI
32. SELINA SAMWEL.
33. ENERIETA SAMWEL
34. YOHANA TARIMO
35. HALIM A KONDO
36. VALENCE ANESLIMO
37. PAULINA MOHAMEDI
38. FELISTA SHAYO
39. ANNA PETER
40. LUCY KESSY
41. DROSTA KAIRU
42. FARIDA HAMISI
43. JASTIN JONAS
44. GUDILA SHIRIMA



RESPONDENTS

45. REBEKA ELIAKIMU
46. THERESIA THOMAS
47. VALERIAN SHAYO
48. ANDREA KITUNDU
49. GODFREY CHRISTOPHER
50. JAFARIJUMANNE
51. BENEDICT MKANDE
52. RAMADHAN MSANGI
53. ADAMU JUMA
54. SENGASU MPOKEA
55. RAJABU SKAZWE
56. AGNESS SAMWELI
57. CHRISTINA MICHAEL
58. MARIAMU RAMADHANI
59. JUMA ABDALLAH
60. BEDEDICT MARTIN
61. JULIAS MAKAO
62. MACRETH MICHAEL
63. SALIMU WILSON
64. HAMISI MOHAMEDI
65. ANJELINA MICHAEL
66. YUSUFU IDRISSE
67. JUMA SEIF
68. DAINES MWANGA
69. GAUDENSI BAZILI
70. ROBERT MWAIMU
71. BENJAMIN BILIA



RESPONDENTS

72. ALLY HAMAD
73. GODFREY SUMARY
74. ABUU SENZOTA
75. SWALEHE ISSA
76. RIDHIWANI RAMADHANI
77. GEORGE CHARLES
78. NELSON JOSEPH
79. DI DAS TESHA
80. RAJABU SAI DI
81. MIRAJI MBWANA
82. MUSA SAIDI
83. SALIMU MOHAMEDI
84. EMILIANA MBISE
85. MARTHA SUNGI
86. ANGES FERDINAND
87. ALLY AMADHANI
88. MOHAMEDI BAKARI
89. MWANAIDI SWALEHE
90. CHARLES GIDION
91. HIRIMANA STANLEY
92. EMMY L. SABUNI
93. NAMSIFU AMANI
94. HAMISI ABUU
95. ABUSHEHE MASUDI
96. EDINA
97. HANSY JOHN
98. HAPPY OLE



RESPONDENTS

99. MWANASHABANI HAMADI
100. MARY PALANGYO
101. VICKY RITE
102. HADIJA MOHAMEDI
103. ASIA YUSUPH
104. FRANSIS EMANUEL
105. ABU MAUYA
106. MATHIAS WILLSON
107. RASHIDI HAMISI
108. JOACHIM STANSLAUS
109. SABATO MTAKI
110. KELVIN LISTER
111. ATHUMANI SHABANI
112. SALVATORY AUGUSTINO SWAI
113. KAINGWA ISSA
114. FRANSIS SAMWEL
115. DOROTH MASAWE
116. MWANAHAMISI MSUMI
117. GAUDENS FUNGAMEZA
118. ELITONY METHEW
119. WILLIAM CLEMENS
120. FRANSIS MOLLEL
121. KASIMU KIBACHA
122. ISSA HAMADI
123. LANGAELI KAAYA
124. ALLY SALIMU
125. ISMAIL OMARY

RESPONDENTS

126. LUCAS AMINIEL
127. ZABLON SAMWEL
128. THADEI EPIMACK
129. PENINA PAULO
130. SAIDI JUMANNE
131. KIDOSHO DAVID
132. ULIMBOKA MWAKASOLE
133. HAMZA SHABANI
134. GODFREY MKANGALA
135. AMBROSE MARTIN
136. HAMISI JUMA
137. BONIPHACE DOMINICK
138. RASHID RAMADHANI
139. AMANI KILANCO
140. JOSEPH NINCA
141. ABAS OMAAY
142. SHARIFU RAJABU
143. RAJABU MOHAMEDI
144. TEDDY LUCAS
145. HAMISIIYUSUPH
146. SOPHIA WILLIAM
147. MZAMILO MOHAMEDI
148. AMINA DAUDI
149. AGATHA FAUSTINI
150. NOELA HAMISI
151. AGUSTINO BONIPHACE
152. FRANSIS MOKIWA

RESPONDENTS

153. HALIMA MZIRAI
154. EVODIO FIRIMINI
155. UMMY JUMA
156. JOSEFINA LAURENT
157. AISHA RAJAB
158. ROSE MICHAEL
159. BERTHA DANIEL
160. CRISPO NDUMBALO
161. AGATHA VICENT
162. RAHELI MCHARO
163. SOPHIA NJAU
164. ROSE GOMBANIA
165. JOSELIN MOSHI
166. BEATRICE KITUNGA
167. RUTH MAFIE
168. ELINAJA EZEKIEL
169. NELSON STEPHEN
170. AGNES MUSHI
171. PAULINA PAULO
172. PENDO PROSPER
173. STELA CHAO
174. MOBBA MAYOMBO
175. EVARISTI CONSTATINE
176. JUMANNE ISSA
177. ANTHONY CADY
178. LENARDY JOHN
179. GRACE GREGORY



RESPONDENTS

180. SIKUDHANI MAYANGE
181. KISAKENI MUSSA
182. LOTH KIWANDAI
183. SAPHINA MUSSA
184. HAWA RAMADHANI
185. FLORA ELINAMI
186. ODOSIA VALERIAN
187. JENIPHA DANIEL
188. HORTHENSIA STANLEY
189. OMARY SAIDI CHANDE
190. AGNES ABDALLAH
191. ELIA JOSEPH
192. LUCY EDWARD
193. SADIKI JUMA
194. MARIA PASKALI CHURI
195. SANAI AMOSI
196. SAIDI MOHAMEDI
197. BONA VENTURA MATHEW
198. SAIMON HANSI
199. MARTHA ELIAS
200. MESHARCK KUVUYO
201. FARAJALA SALIMU
202. GODLISEN MUNUO
203. SARAHA EMANUEL
204. JAKOB MEENA
205. DATIFA MATUNDA
206. EMANUEL SAMWEL



RESPONDENTS

207. SAMWEL MSUYA
208. DANIEL TANCO
209. EZEKIEL PAULO
210. GODBLES MARIKI
211. ISSA JUMA
212. MILENI MAKUNDI
213. PIUSI TAISI
214. SAMWEL
215. JAMILA DILAL
216. SOPHIA SHABANI
217. JOHN SEBASTIAN
218. GEORGINA AUGUSTINO
219. MARY ALEX
220. UPENDO JACOB
221. MWAJUMA SHABANI
222. BERTHA KIJANGA
223. WAZIRI HEMEDI
224. NELSON
225. HAPPYNESS MBISE
226. NDEMI LYIMO
227. EVALINEVILGIO
228. PASCHAL JOHN
229. MARY MICHAEL
230. LUCAS PIUS
231. ELIPHASI MOLEL
232. JAMES SEPE
233. SHABDUL OMARY

RESPONDENTS

- 234. STEPHANO ABISAI
- 235. HALIPHA HALPHANI
- 236. SHIDA RAMADHANI
- 237. RUTH I MATH AYO
- 238. JESSE KILUSU
- 239. ISIHAKA BOAZI HIZA
- 240. VICENT MLUNGWANA
- 241. STANLEY WILSON
- 242. EDWARD BOMBO
- 243. ATHONI TIOPHILI
- 244. FATUMA SELEMANI
- 245. BAHATI RAMADAHANI
- 246. ADELA KIMARO

RESPONDENTS

RULING

15th April & 17th May 2024

Masara, J

Parties in this Application have been in the Court or tribunal's corridors for about 16 years. In this Application, the Applicant herein intends to file a review against the decision of this Court in Labour Revision No. 7 of 2009 which did strike out its Application for Revision on 30/11/2009. As the time within which to challenge that decision has long passed, the Applicant preferred the current Application seeking for extension of time to do so.

The Application is brought under the provision of Rule 56(1) of the Labour Court Rules, GN. No. 106 of 2007 and is supported by three affidavits deponed by Emmanuel G. Mgoma, personnel officer of the Applicant; Elvaison Erasmo Maro and Boniface Joseph, learned advocates who represented the Applicant at various stages of the dispute commencing from the Commission for Mediation and Arbitration (CMA) to the current Application. The Application is opposed by the Respondents through a counter affidavit deponed by Harun Idi Msangi, the Respondents' advocate.

In the affidavits, the Applicant advances three main reasons for extension of time; namely, denial of the right to be heard, technical delay and the illegality of the decision issued by the CMA in Labour Dispute No. CMA/ARS/MED/38/2008.

During the hearing of this Application, which proceeded by way of written submissions, Mr Elvaison Maro, learned advocate, appeared and filed written submissions for the Applicant; while Mr Harun Msangi, learned advocate, represented the Respondents.

In the submissions in support of the Application, the Applicant's advocate prefaced his submissions by urging the Court to note that the Respondents only replied to only one affidavit, attested by Emmanuel G.

Mgoma and the remaining two affidavits remain uncontested by the Respondents.

Mr Maro also made a precis of the background to the Application. He stated that the Applicant and the Respondents were employer and employees respectively, a relationship that hit the rock, prompting the Respondent to institute a labour dispute before the CMA. That, the CMA decision was made in an Award dated 21st October 2008. Both the Applicant and the Respondents were dissatisfied with that award, hence they both filed revisional applications before this Court vide Labour Revision No. 7 of 2009 and Labour Revision No. 51 of 2009 filed by the Applicant and by the Respondent respectively.

Mr Maro further stated that, this Court, while adjudicating Labour Revision No. 51 of 2009 and Revision No. 7 of 2009, unilaterally made its decision and struck out the Applicant's Labour Revision No. 7 of 2009 on the ground that the same was filed later than Labour Revision No. 51 of 2009 but that the later Application was not given a number for a considerable period. That, this decision was made without affording parties the right to be heard. Following that decision, Revision No. 51 of 2009 proceeded but did not find the light of the day on technical grounds. There ensued a number of applications by the Respondents, all of which were either struck

out or dismissed. On realising the futility of the applications, the Respondents decided to swallow their pride and applied for extension of time to file an execution of the CMA award, which they had wanted to challenge. This application filed in March 2023 was successful vide a decision of this Court dated 28th September 2023. Consequently, the Respondents filed for execution of the CMA award. It is at this stage that the Applicant resolved to resurrect its desire to contest the CMA award. They were obviously very much out of time, hence this Application for enlargement of time filed on 30th October 2023.

On the grounds for extension of time, Mr Maro submitted that, it is a cherished principle that in an application for extension of time what has to be considered is whether the applicant has been able to explain the reasons for the delay by accounting for each day of the delay. That, sufficient reasons for extension of time may also include illegality of the impugned decision arising from, among other reasons, a claim of breach of natural justice.

The learned advocate was quick to point out that the determination of whether there are sufficient grounds to allow extension of time is a Court's discretion, but where the ground advanced by the applicant is illegality of the impugned decision, then the court is obliged to extend the time. He

made reference to the decisions Abdulrahman Mohamed Ally vs Tata Africa Holdings (T) Limited, Civil Application No 116/16 of 2021, Principal Secretary, Ministry of Defence vs Devran Valambia [1992] TLR 182, Attorney General vs Osterbay Villas Limited and Another, Civil Application No. 299 of 2016 and VIP Engineering and Marketing Ltd and Two Others vs Citibank Tanzania Ltd, Civil Reference No. 6, 7 and 8 of 2006 (unreported) to augment his position.

On accounting for the time of the delay, the Applicant's Counsel referred to paragraph 6 to 19 of the Affidavit deposed by Emmanuel Mgoma and stated that since 30th September 2009 to 27th September 2023 the Applicant had been in the Court corridors defending various applications lodged by the Respondents. To him that amounted to a technical delay which is excusable. It was Mr Maro's submission that, although the Applicant was not the one who instituted the applications, the Applicant's case was to be heard along with that of the Respondents by the order of the Court. Consequently, the Applicant had to wait until September 2023 when the Respondent abandoned their desire to challenge the CMA Award. To cement on this point, reference was made to the Court of Appeal decisions in Fortunatus Masha vs Williams Shija and

Another [1997] TLR 154, and Mathew T. Kitambala vs Robson Grayson & Another, Criminal Appeal No. 330 of 2018.

Regarding the ground of illegality and breach of the right to be heard, it was the submission from the Applicant that pursuant to Annexure SUNFLAG – 4 and the Order striking out Labour Revision No. 7 of 2009, the presiding judge only recorded the quorum, addressed the parties on the findings of the Court and then proceeded to strike out the application without granting parties audience. That, paragraph 7 to 9 of the Affidavit deponed by Boniface Joseph, the advocate who represented the Applicant on that date, supports the fact that the Applicant's application was struck out without affording parties the right to be heard.

The Applicant's submission on this front is that, the denial of the right to be heard is the worst omission in any legal proceedings. Mr Maro referred this Court to the decisions in **Abbas Sherally and Another vs S.H.M Fazalboy, Civil Application No. 133 of 2002; Mbeya- Rukwa Auto Parts & Transport Limited vs Jestina George Mwakyoma, Civil Appeal No. 45 of 2000; Director of Public Prosecutions vs Sabinis Inyasi Tesha & Another [1993] TLR 237** and **General Medical Council vs Spackman [1993] AC 627.**

Mr Maro was of the further view that this Court erred in striking out the Application and ordering that the Applicant's grievances be heard alongside those of the Respondents in Revision Application No. 51 of 2009. That, assuming that the Court was trying to avoid the *res sub judice* rule, the same was incorrectly applied since the reliefs claimed in those two applications were not the same. Thus, the solution was either to stay one or order consolidation of the two.

The other illegality pointed out by Counsel for the Applicant is that Hon. Mnzava, S. J, who mediated the parties at the CMA also presided over the matter as an arbitrator. That the said act is restricted under the rules of confidentiality as stated in the case of **Barclays Bank (T) Limited vs Ayyam Matessa, Civil Appeal No 481 of 2020** (unreported).

Thus, Counsel for the Applicant urged the Court to exercise its discretion and allow the craved extension of time so that the Applicant may file for a review of this Court's decision above stated.

In reply, Mr Msangi vehemently opposed this Application. He submitted that, the claim that the Applicant was not given the right to be heard cannot stand as the right to be heard in labour matters cannot proceed until Rule 24(7)(a) is satisfied. That, the presiding Judge made it clear that since the record shows that Revision Application No. 51 of 2009 was

lodged before Revision No. 7 of 2009, then the same had to proceed. She thereby directed the Applicant herein to file a notice of opposition as well as a counter affidavit as per Rule 24(4) of GN No. 06 of 2007 as opposed to what the Applicant had done by filling Revision No. 7 of 2009.

Mr Msangi took issue with the Applicant's defiance to adhere to the directions of the Court. That the Applicant's refusal or neglect to file a counter affidavit and a notice of opposition in respect of Revision No. 51 of 2009 amounted to self-denial of the right to be heard. That, if the Applicant was aggrieved by the order as it claims in this Application, then it ought to have made an application for the restoration of the struck-out application and not otherwise.

On the grounds for the delay, the Respondent's Counsel submitted that the Applicant has not accounted for the days since 30/11/2009 to the date of filling the current Application for extension of time. That all the dates narrated in the affidavit supporting this Application relate to the efforts made by the Respondents to have time enlarged with respect to Revision No. 51 of 2009 which the Applicant cannot claim to be a technical delay on their part.

Counsel for the Respondent summed up his submissions by stating that, in the present Application, the Applicant has not accounted for all the days for the delay. That the length of the delay was due to the Applicant's negligence and lack of diligence. That it is for the interest of justice that the case should come to an end and not to be brought back 14 years thereafter. The Respondent thus prays that the current application be dismissed.

Having summarised the case for both the Applicant and the Respondents, it behoves me to determine whether the Applicant has met the threshold of good cause for the grant of extension of time. What is good or sufficient cause for extension of time, as rightly submitted by both Counsel, depends on the facts and circumstance of each case. In other words, there cannot be one shoe fits all criteria that one would gauge to determine good cause; rather, good cause is that which the Court, given the circumstances of the case before it, considers to be adequate or substantial to allow the craved extension of time. The cases referred to me are just examples of what Courts of this country have considered to be a litmus test for weighing what sufficient or good reasons for a delay are.

In the current Application, the Applicant relies on three grounds for extension of time; technical delay, denial of the right to be heard and illegality of the impugned decision.

Starting with the first reason, it is generally accepted that the principle of technical delay applies where it is shown to the satisfaction of the court that the delay was necessitated by the presence of a court process but that, by reasons of legal disparities, the same was never determined on its merit. For instance, where a party timely files an appeal or any other matter in court, but the court strikes it out for incompetence, that stands as a technical delay, in which case a party may be allowed to file a proper matter before a court with requisite jurisdiction, the delay notwithstanding.

In trying to fit in this ground, the Applicant, through the affidavits in support of the Application as well as in the written submissions filed in support of the Application, stated that there were various applications filed by the Respondents aiming at challenging the CMA award. The Applicant further submitted that, in spite of the fact that the Applicant was not the one who initiated those applications, it was nevertheless a necessary party in them, as it all times appeared before the Court as a respondent. That, the current Application could not be made earlier until the Respondents'

Revision No. 51 of 2009 came to an end since the Court had made an order to that effect.

The above reasoning in trying to fit in the technical delay ground was strongly resisted by the Respondents. I do agree with the Respondents that the Applicant cannot shield itself and benefit from the Respondents efforts. From the affidavits of the Applicant and the counter affidavit filed, it is not in dispute that the Respondents were not successful in all their efforts to challenge the CMA award. Realising that they would be better off taking little than none at all, they sought to execute what had been awarded to them, insufficient as it might be. Other than opposing the Respondents' quests to challenge the CMA award, I see nothing in the evidence presented to show that the Applicant was pursuing own interest manifested in Application No. 7 of 2009. What the Applicant and the Respondents were litigating before this Court was for the Court to enlarge time so that the Respondents can challenge the CMA award by way of Revision.

All annexures referred to by the Applicant and conceded to by the Respondents under paragraph 16 of the counter affidavit confirm that the Respondents made several applications before this Court. These applications aimed at enlargement of time for the Respondents to contest

the CMA award. In other words, what was being prosecuted before this Court aimed at setting aside the CMA award, while the current Application, if successful, aims at challenging the decision issued by this Court on 30th November 2009.

While it is not contested that the Applicant was in the court corridors defending its interests against the Respondents; the doctrine of technical delay cannot apply to it as their interests were diametrically opposed. Since what was prosecuted by the Respondents was extension of time to file a revision application and what is currently being prosecuted by the Applicant is extension of time to file a review, trying to fit itself in the doctrine of technical delay is farfetched.

Even if it was to be assumed that the doctrine of technical delay was applicable to the Applicant, such delay would be excusable up to the time when the Respondents changed the goal posts by applying to execute the CMA award instead of challenging it before this Court. According to the evidence before me, the change of the goal post was done through an application for extension of time to execute the CMA award filed on 28th March 2023. Days that followed, before this Application was filed on 30th October 2023 have to be accounted for.

It is now settled that an applicant craving extension of time is obliged to account for the period of delay even if that delay is just one day. This position has been held sacrosanct by this Court and the Court of Appeal of Tanzania. For instance, in the case of **Lyamuya Construction Company Limited vs Board of Trustees of Young Women Christian Association of Tanzania, Civil Application No. 2 of 2010** [2011] TZCA 4, the Court of Appeal enumerated grounds for extension of time in the following terms:

- a) That, the applicant must account for all the period of delay;*
- b) The delay should be inordinate;*
- c) The applicant must show diligence, and not apathy, negligence or sloppiness in the prosecution of the action that he intends to take; and*
- d) If the Court feels that there are other reasons, such as the existence of a point of law of sufficient importance, such as illegality of the decision sought to be challenged.*

On how to account for the period of delay, the Court of Appeal in **Bushiri Hassan vs Latifa Mashayo, Civil Application No. 3 of 2007** (unreported), elaborated that a delay of even a single day has to be accounted for.

Upon scrutiny of the Application and the submissions made in support of the said Application, this Court is satisfied that the Applicant has not

accounted for each day of the delay to warrant the grant of the order sought. Thus, in addition to failing on the technical delay ground, the Applicant has also manifestly failed to account for more than 210 days of delay.

I now turn to consider the two other grounds of delay; namely, illegality of the decision sought to be impugned and non adherence to the rules of natural justice.

Starting with the claim that the Applicant was denied the right to be heard before the Court decided to strike out Revision No. 7 of 2009, I have failed to fathom how that can be a reason for extension of time to file a review against this Court's decision. Where a Court makes a decision without affording parties the right to be heard, that can be a ground to set aside the said decision on appeal. The Court cannot invoke that as a ground to review its own decision. I thus do not agree with the Applicant that this is sufficient ground to justify the delay. Furthermore, the Respondent stated, and the records corroborate, that the Applicant was given room to file a notice of objection and counter affidavit where its case could be considered. This window was not explored and no justification has been presented before this Court. Counsel for the Applicant argues that failure to file a counter affidavit and notice of motion has nothing to do with what

was its case in the struck out application. Even if that was the case, what action did the Applicant utilise in trying to remedy what in its view was against its interests? In this Court's view, there is nothing that prevented the Applicant from appealing the decision to strike out the Application as that is an appealable order under our laws.

Regarding the claim for illegalities of the impugned decision, I do agree with the Applicant that illegality of an impugned decision constitute good cause for extension of time. Courts of this country have been consistent in that regard. See for example the decision in **Principal Secretary, Ministry of Defence and National Service vs Devram** (Supra). In the current Application, the Applicant's claim for illegalities is based a claim that the same person who mediated the parties at the CMA was the one who arbitrated the matter and issued the award.

If proved, that could be a ground for setting aside the impugned decision. However, the law requires that for one to succeed in this ground, the illegality has to be apparent on the face of the record. In **Barreto Hauliers T. Ltd vs Josephine E. Mwanyika & Another, Civil Application No 27/01 of 2022 [2020] TZCA 178 Tanzlii**, the Court of Appeal stated that:

*"I am very aware that, where the point at issue is one alleging illegality of the decision being challenged the court has a duty, even if it means extending the time for the purpose, to ascertain the point and if the alleged illegality is established, to take appropriate measures to put the matter and the record straight. However, in my view **that illegality must be in relation to the impugned decision and not otherwise.**" (Emphasis mine)*

From the holding in the above case, it is settled that the claimed illegality, in addition to having been apparent on the face of the record, it must be in relation to the impugned decision and not any other decision. The claim that the Mediator also acted as an Arbitrator is from the pleadings and evidence before me not apparent on the face of the record. The attached CMA award presents a record whereby the umpire, Mr Mnzava, S. J, signs as the Principal Arbitrator. The Applicant has tried to use the Respondent's claims in Revision No. 51 of 2009 to push this point. That to me, does not suffice to make it apparent on the face of the record. Records of the CMA showing the double roles would have made the claim more apparent. Furthermore, it is not the decision of the CMA that this Application aims at challenging. This Application aims at challenging this Court's order dated 30th November 2009. Thus, the claim fails in that the claimed illegality is not with respect to the impugned decision.

It is also important to note that, it is a well-established principle of law that litigations must come to an end, as it was stated by the Court of Appeal in for this see the case of **Saul Henry Amon & Another vs Hamis Bushiri Pazi & Others [2024] TZCA 275**. The dispute that the Application aims at resurrecting, as deponed in the affidavit of Emmanuel Mgoma, on behalf of the Applicant, commenced about 16 years ago. This is quite a long time for a proper dispensation of justice. If this Application was to be allowed and the Applicant successfully challenges this Court's order striking out Revision No. 7 of 2009 and probably successfully challenging the CMA award, the CMA processes would commence afresh before a different Arbitrator. God knows when would the fate of the parties be decided. Against all the above considerations, the Court will be failing in its noble duty to dispense timely justice if it was to extend time to the inordinate delay by the Applicant of more that 14 years. It is about time that this dispute comes to an end for the interest of justice.

In conclusion, this Court is not satisfied that the Applicant has been able to demonstrate sufficient cause to warrant the order of extension of time to apply for review. The Application is therefore devoid of merit. It is accordingly dismissed forthwith. Since the matter originated from a labour dispute, I make no order as to costs.

It is so ordered.



Y.B. Masara

Y.B. Masara

JUDGE

May 17, 2024