

**IN THE HIGH COURT OF TANZANIA
LABOUR DIVISION**

AT DAR ES SALAAM

LABOUR REVISION NO. 82 OF 2009

BETWEEN

NYEMO KINAMILA & 20 OTHERS - APPLICANT

AND

TPDF GOLF CLUB - RESPONDENT

(ORIGINAL CMA/DSM/ILA/2895/2008)

29/03/2010 & 1/4/2010

S.C. MOSHI, J:

RULING

A preliminary point of objection on a point of Law was raised by the respondent to the effect that the applicants representative is not legally appointed to represent others; he has therefore contravened Section 56 of the Labour Institutions Act, Act NO. 7 of 2007 which provides thus:-

"In any proceedings before the Labour Court, a party to the proceedings may appear in person or be represented by:-

- (a) an official of a registered trade union or employers' Organisation;
or
- (b) a personal representative of the party's own choice.
- (c) An advocate.

During oral submission, the applicants officer, submitted among other things that the applicants have contravened the cited S.56. They were supposed to file a document signed by all applicants empowering him (representative) to represent them. That since they haven't done so, the application should be dismissed with costs.

The applicants representative conceded that they haven't filed the document authorizing him to represent the applicants. He asked for time to seek an advocate.

I have considered the submissions. It is true that the applicant's haven't filed an authority; document empowering Mr. Nyemo Kwinamila to represent them in the present application. It is my view that the applicants ought to have produced evidence, that they have, in compliance with S.56 of Act NO.7/2007 (already cited above) appointed Mr. Nyemo to represent them in the conduct of the present application. It is my view that complying with the stated requirement would prevent abuse of Court processes. As, failure to abide with the required procedure may lead to either involvement or non-involvement of the real parties to the case.

Basing on the aforesaid, I find that the application is not properly before this Court. The application is struck off accordingly.


S.C. Moshi
JUDGE
29/03/2010

Date: 1/4/2010

Coram: Hon. S.C. Moshi, J.

Applicant: Mr. Mohamed Chalamande - Present

For ":


Respondent:

For "": Mrs. Elimka Advocate - Present

CC: J. Kalolo

Court:

The Ruling is read on this 1/4/2010 in the presence of the parties.


S.C. Moshi

JUDGE

01/04/2010

COPIES:

1. Office of the Judge Advocate General,
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DAR ES SALAAM.

2. Nyemo Kwinamila & 20 others,
DAR ES SALAAM.