

**IN THE HIGH COURT OF TANZANIA  
LABOUR DIVISION  
AT DAR ES SALAAM**

**MISCELLANEOUS APPLICATION NO. 381 OF 2019**

**BETWEEN**

**ANAWILATH BUMARWA ..... APPLICANT**

**VERSUS**

**MUHIMBILI ORTHOPAEDIC INSTITUTE ..... RESPONDENT**

**RULING**

*Date of Last Order: 19/05/2020*

*Date of Ruling: 03/07/2020*

**S.A.N. Wambura, J.**

The applicant **ANAWILATH BUMARWA** has filed this application under the provisions of Rules 24(1), (2)(a)(b)(c)(d)(e)(f), (3)(a)(b)(c)(d), 55(1) and 56(1) or (2) or (3) of the Labour Court Rules, 2007 GN No. 106 of 2007 praying for the Orders that:-

*(i) That, this Honourable Court be pleased to grant an application for extension of time to file an application to revise the decision of the Commission for Mediation and Arbitration (CMA) at Dar es*

*Salaam Zone in Dispute No. CMA/DSM/ILA/R.554/16 dated 5<sup>th</sup> May, 2017 by Hon. Mbeyale, Mediator.*

*(ii) Any other order(s) deems fit and just be granted by this Honourable Court.*

*(iii) Costs for application abide the results.*

The application is supported by her sworn affidavit.

The respondent **MUHIMBILI ORTHOPAEDIC INSTITUTE** through the counter affidavit of one Aidan Omary Kipepe, the respondents Human Resource Officer, challenged the application.

With leave of this Court, the application was disposed of by way of written submissions. I thank both Counsels for adhering to the schedule and for their submissions.

I note that parties have submitted in respect of the review of the award in question and not the application at hand.

For an application for extension of time, the Court has to be satisfied that sufficient cause was adduced for the delay. This is per Rule 56(1) of the Labour Court Rules, 2007 which provides that:-

*“Rule 56(1) The **Court may extend** or abridge **any period** prescribed by these Rules **on application and on good cause shown**, unless the Court is precluded from doing so by any written law.”*  
*[Emphasis is mine].*

In the cases of **Anthony Choling Vs. Bolore Africa Logistic (T) Ltd**, Misc. Appl. No. 357 of 2019, **Stephen Masato Wasira Vs. Joseph Sinda Warioba & The Attorney General** [1999] TLR 332 at page 342 and **Sao Hill Industries Ltd Vs. Mbuli Ambrose**, Rev. No. 29/2014 the applications were dismissed as no sufficient causes were adduced while in the cases of **Yusufu Same & Another v. Hadija Yusufu**, Civil Appeal No. 1/2002 and **Said Issa Abdullah & 30 Others v. Damina General Supplies**, Misc. Lab. Appl. No. 23/2013 the applications were granted as the applicants had adduced sufficient cause.

The question thus left for determination is whether the applicant has adduced sufficient cause for this Court to grant this application.

The reasons for the application are stated in paragraphs 5 and 6 of the applicant's application. However in the submissions the same was not so stated.

The applicants Counsel concedes that his submissions were based on CMA's award and not on the application at hand. Meaning that in actual fact the application has not been prosecuted.

In the circumstances, I find that the applicant has not adduced sufficient reasons to be granted the application. I thus dismiss the application for want of merit.

S.A.N. Wambura  
**JUDGE**  
03/07/2020

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**Date: 03/07/2020**

Coram: Hon. F.A. Mtarania, Deputy Registrar

Applicant: }  
For Applicant: } Absent

Respondent:

For Respondent: Mr. Stanley Mahenge together with Lilian Machage  
State Attorney

CC: R. Mchocha

**COURT:** Ruling delivered in presence of Mr. Stanley Mahenge and Lilian Machage State Attorney for the Respondent and in absence of the Applicant.

  
F.A. Mtarania

**DEPUTY REGISTRAR**

03/07/2020