

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

REVISION NO. 501 OF 2019

BETWEEN

MOHAMED IDDY MBALAMULA APPLICANT

VERSUS

FATMA ASGAR RESPONDENT

EXPARTE RULING

Date of Last Order: 14/05/2020

Date of Ruling: 10/07/2020

S.A.N. Wambura, J.

The applicant **MOHAMED IDDY MBALAMULA** 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)(2) and 56(1)(2)(3) of the Labour Court Rules, GN No. 106 of 2007 praying for Orders that:-

- (i). *That, this Honourable Court be pleased to grant extension of time to file the application to set aside dismissal orders out of time on the Revision Application No. 336 of 2017 dated 06th November, 2019.*

(ii). Any other relief this Honourable Court may deem fit, just and equitable to grant.

The application is supported by the applicants affidavit.

The matter was Ordered to proceed exparte as the respondent did not enter appearance nor file her submissions though notified on 17/04/2020.


In his submissions the applicant has stated that he could not file the application in time as he was not served with a copy of the proceeding timely. He was served with the same on 27/02/2019. He thus urged this Court to grant the application as prayed for citing the cases of **Ramadhani Nyoni Vs. M/S Haule & Company, Advocates** 1996 TLR 71 (HC), **Fortunatus Masha Vs. William Shija** (1997) TLR 154 and **Benedict Mumello Vs. Bank of Tanzania** (CA) Civil Appeal No. 12 of 2002 to that effect.

There is no doubt that this Court can grant this application under Rule 56(1) of the Labour Court Rules, 2007 where the applicant adduces sufficient cause to do so. Though the respondents have not challenged the same. The reason stated is not very convincing as you do not need a copy

of the proceedings to refile the same. It is merely ignorance of the procedure.

But since the application has not been challenged, I grant the application as prayed for. Applicant to file the said application within seven (7) days from the date of this Order.

Deputy Registrar to attach both files when the said application is filed. It is so Ordered.

S.A.N.  Wambura
JUDGE
10/07/2020

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Date: 10/07/2020

Coram: Hon. W.S. Ng'humbu, Deputy Registrar

Applicant: Present in person

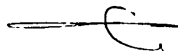
For Applicant:

Respondent: } Absent

For Respondent: }

CC: Lwiza

COURT: The Exparte Ruling delivered this 10th day of July, 2020 in the presence of Mr. Mohamed Iddy Mbalamula, the applicant and in the absence of the respondent is certified to be the true copy of the original.



W.S. Ng'humbu
DEPUTY REGISTRAR

10/07/2020