

**IN THE HIGH COURT OF TANZANIA**

**LABOUR DIVISION**

**AT DAR ES SALAAM**

**MISCELLANEOUS APPLICATION. NO. 606 OF 2019**

**DAFA CERAGEM TANZANIA..... APPLICANT**

**VERSUS**

**MARIAM H. NDALAMA ..... RESPONDENT**

**RULING**

Date of Last Order: 15/07/2020

Date of Ruling: 21/08/2020

**ABOUD, J.**

This is an application for extension of time to file Revision application. The application is made under Rule 24(1), 24(2)(a) (b) (c)(d)(e) and (f) , 24 (3) (a)(b)(c) and (d) and Rule 55(1)(2)(3) of the Labour Court Rules, GN No.106 of 2007 (herein the Labour Court Rules) and section 14(1) and (2) of the Law of the Limitation Act [CAP 89 RE 2002]. The applicant moved the Court for the following orders;

- i. That the Honourable Court may be pleased to extend time for the applicant to file an application for revision of an award of

the Commission for Mediation and Arbitration Dar es salaam Zone in the Labour Dispute No. CMA/DSM/KIN/R.481/15/16, delivered on 04/10/2018 by Hon. Lamwel Arbitrator out of time.

- ii. Any other relief the Honourable Court deems just and equitable to grant.

The respondent challenged the application filed herein.

In the course of preparing this ruling the Court noted that the application is incomplete before the Court. The applicant did not attach the impugned award contrary to Rule 24 (2) (f) of the Labour Court Rules which is to the effect that:-

“24(2) the notice of application shall substantially comply with Form No. 4 in the schedule to these rules, signed by the party bringing the application and filed and shall contain the following information

- (f) **a list and attachment of the documents that are material and relevant to the application”**

[Emphasis supplied]

As stated above the applicant prays for an extension of time to file revision application against the CMA's award; however the relevant award was not attached to prove the existence of such dispute and the parties thereto. Furthermore attachment of the award in question would have lead the Court to ascertain when was the award delivered and when did the parties received the said award.

On the basis of the above discussion, it is my view that failure to attach the impugned award makes the application incomplete before the Court. Thus, it is hereby struck out from the Court's registry.

It is so ordered.



I.D. ABOUD

**JUDGE**

21/08/2020.