

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

LABOUR DISPUTE NO. 01 OF 2018

**COMMUNICATION AND TRANSPORT
WORKERS UNION OF TANZANIA (COTWU).....COMPLAINANT
VERSUS**

EAST AFRICA WAREHOUSING (T) LTD.....RESPONDENT

RULING

Date of last Order: 17/06/2020

Date of Ruling: 26/06/2020

Z.G.Muruke, J.

Applicant filed present Labour dispute on 21st March, 2018, as complaint number 01/2018. Respondent filed statement of response on 11th July, 2018. Last time applicant representative appeared in court was on 25th July, 2019.

To the contrary, respondent advocate has been appearing most of the time whenever case is set for hearing. Mr. Twahiri Burhani counsel for the respondent requested this court to dismiss the case on none appearance by applicant counsel. According to the records, this is fairly old case. It is now 26 months old since filing. Applicant counsel has not appeared since 25th July, 2019 i.e. 11 months, despite several court orders. Court orders has to be complied with, none compliance of court orders, not only is a sign of disrespect, but also create chaos on the entire administration of justice. This court in the case of **Abrahamani Kinana Vs. Peter Simon Msingwa** (MP) Civil Case No. 108/2013 Dar es Salaam District Registry, (unreported) it was held that:-

There was no compliance of this court order dated 1st December, 2016, not only for defendant or his witnesses by also defendant counsel, who under took to do so as an officer of the court. Very surprisingly, it is non-compliance of this court order by it's own officer. Court orders should be complied forthwith. None compliance is not only a sign of disrespect, but, create chaos in the entire administration of justice.

Equally in a recent decision of this court Labour revision application number 355 of 2018 **Shirika la Usafiri Dar es Salaam Ltd Vs. Abbas Kingwamba & others** this court held that:-

I am aware of the principle of natural justice that demand parties to be given right to be heard, but, such rights has to go along with each parties obligations. Parties who does not appear on a date fixed for hearing having notice, Jeopardize his/her valued rights of being heard. Court cannot wait for a part to attend hearing, as he/she pleases. Otherwise, court will be accountable for delaying proceedings at the detriment of the parties rights.

On the same case on the last paragraph this court held that:-

According to the records, there is no any information as to why applicant counsel was absent on 15th June, 2020. It is my sincere conviction that, party to the suit who delays proceedings is a clog to the wheels of justice. This court cannot allow that to happen. Without much ado, Labour Revision application number 355/2018 is dismissed for want of prosecution.

Again this court in her recent decision dated 17/06/2020, in Labour Revision application No. 274 of 2019 **Steelcom Limited Vs Ismail Issa**

Mbago and 30 others (unreported) cementing on none appearance court held that:-

Applicant filed present revision on 1st April, 2019. Since filing no appearance has ever been made despite several court orders. From the records, applicant has lost interest to prosecute this matter not only on the reason of non-appearance, but failure to serve the respondent as ordered by the court on 23rd April, 2019. This court cannot keep on adjoining this file, and return the same in the court shelves. Applicant has turned this court in to library of his client case file. Court duty is to hear and determine disputes. Applicant none appearance is glaring to prove lack of interest to prosecute the case.

As the records shows, applicant counsel none appearance for 11 months, is a sign of loss of interest to prosecute the case. Accordingly Labour dispute number 01/2018 is dismissed for want of prosecutions. Ordered accordingly.


Z.G. Muruke

JUDGE

26/06/2020

Ruling delivered in the presence of Twahiri Burhani for the respondent and in the absence of applicant.


Z.G. Muruke

JUDGE

26/06/2020