

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

AT DAR ES SALAAM

REVISION APPLICATION NO 88 OF 2019

ULTIMATE SECURITY (T) LIMITED.....APPLICANT

VERSUS

RASHID ATHMANI KASATE RESPONDENT

RULING

Date of last Order: 23/04/2020

Date of Ruling: 25/06/2020

Z.G.Muruke, J.

Applicant filed first revision number 448/2017 on 25th September, 2017. Same was dismissed for want of service under order 9 Rule 5 of Civil Procedure Code Cap. 33, on 18th February, 2019. Following dismissal, applicant filed present revision on 19th February, 2019, just the following day after dismissal. Respondent counsel Stella Simkoko, raised preliminary objection filed on 06th August, 2019 that current revision is out of time and prayed for dismissal of the same. Applicant representative prayed for withdraw of the revision on the ground that, they wrongly filed present revision. He argued that, they out to have filed an application for restoration of the dismissed revision.

To this court, current application for revision is improperly filed, thus cannot be dismissed. Equally prayer to withdraw current application after respondent counsel filing notice of the preliminary objection cannot be

granted as it will amount to circumventing the preliminary objection raised. The proper way was for the applicant to file application for restoration of dismissed revision for want of service, not to file another fresh revision.

The remedy available is to struck out the revision for being improperly filed. Thus, Labour revision number 88/2019 is struck out.



Z.G.Muruke

JUDGE

25/06/2020

Ruling delivered in the presence of Stella Simkoko for the respondent and Richard Liampawe, applicant principal officer.



Z.G.Muruke

JUDGE

25/06/2020