

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

MISCELLANEOUS APPLICATION NO. 631 OF 2019

BETWEEN

CHARLES NYALUKE & 9 OTHERS APPLICANTS

VERSUS

MCC LIMITED RESPONDENT

RULING

Date of Last Order: 03/06/2020

Date of Ruling: 05/06/2020

S.A.N. Wambura, J.

This ruling is in respect of an application for extension of time filed by the applicant **CHARLES NYALUKE & 9 OTHERS** under the provisions of Rules 24(1), (2)(a)(b)(c)(d)(e)(f), (3)(a)(b)(c)(d), 56(1) and 55(1) of the Labour Court Rules, 2007.

It was supported by the affidavit of **CHARLES NYALUKE** on behalf of the 9 Other applicants whose names are however unknown.

The respondent **MCC LIMITED** did not challenge the application saying they had no objection of the applicants being granted extension of time to file their complaint out of time.

Though the respondent knows the parties and does not object to the prayer for extension of time this Court has to satisfy itself whether sufficient cause has been adduced for this Court to grant the same as provided for under Rule 56 of the Labour Court Rules, 2007 which provides thus:-

*“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].

Since there is no law which bars this Court from doing so, then this Court has jurisdiction to proceed to adjudicate over the matter.

In the cases of **Anthony Cholinga Vs. Bolore Africa Logistic (T) Ltd**, Misc. Appl. No. 357 of 2019, **Stephen Masato Wasira Vs. Joseph Sinde Warioba & The Attorney General** [1999] TLR 332 at page 342

and **Sao Hill Industries Ltd Vs. Mbuli Ambrose**, Rev. No. 29/2014 the application was denied 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**, Lab. Div., MZA, Misc. Lab. Appl. No. 23/2013 the application was granted as the applicant had adduced sufficient cause.

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

The applicants have alleged they had been prosecuting the matter at this Court as of 2018 through Misc. Appl. No. 397/2018 which was struck out and later Misc. Appl. No. 438 which granted the applicant leave to represent the 9 other applicants.

The applicant has also alleged that there are triable issues to be resolved in this matter.

In the circumstances, I allow the application. Applicants to file the intended application within thirty (30) days from the date of this Order.

It is so ruled.

S.A.N. Wambura
JUDGE
05/06/2020

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MCC LIMITED RESPONDENT

Date: 05/06/2020

Coram: Hon. S.R. Ding'ohi, Deputy Registrar

Applicants: Present in person

For Applicants:

Respondent:

For Respondent: Mr. Fredrick Mbise Advocate

CC: Lwiza

COURT: Ruling delivered this 05th day of June, 2020.


S.R. Ding'ohi
DEPUTY REGISTRAR
05/06/2020