

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

AT MOROGORO

REVISION NO. 42 OF 2019

JOHNSON ADAMU WAKURU.....APPLICANT

VERSUS

ALFAGEMS CO. LIMITED.....RESPONDENT

RULING

Date of last Order: 27/11/2020

Date of Ruling: 27/11/2020

Z.G.Muruke, J.

When this revision came for hearing, court suo motto raised issue of time limitation, in that revision has been filed out of time and asked parties to address the court on the point. Applicant who was in person, submitted that, decision was delivered on 16th May, 2019 in his presence but in the absence of the respondent. He was not given copy of the decision until sometimes June, 2019. So revision is not out of time. Respondent counsel Niragira Ernest, supported preliminary objection, when he said, decision was delivered on 16th May, 2019. Revision filed on 5th July, 2019 being after 49 days after the decision. Applicant was given copy of the decision on 16th May, 2019 on the date of the decision according to CMA records, thus revision is out of time. In rejoinder applicant insisted that, he was present on the date of decision but was not given copy on that day. He was later given in June.

Having heard both parties on the preliminary objection suo motto raised by the court that, revision is out of time, the answer to the

arguments by applicant and respondent counsel is found on coram of the date of the decision which is reproduced below:-

Date:16/05/2019

Akidi: Shauri mbele ya Mhe. Zuhura, K - Muamuzi
Mahudhurio: Johson Adam Wakuru – Mlalamikaji
Mlalamikiwa: Hajafika
Hali ya shauri: Shauri limekuja kwa ajili kutolewa uamuzi.
Maelezo: Upande wa mlalamikaji umefika mbele ya Tume lakini upande wa mlalamikiwa haujafika bila taarifa yoyote. Hata hivyo mlalamikaji amepewa nakala ya uamuzi.
Amri: Mgogoro huu uamuzi umetolewa.

Sgd:
Zuhura K
MUAMUZI
16/05/2019

From the records as produced above, applicant was issued with copy of the decision sought to be challenged on the very day of 16th May, 2019. This is according to tribunal records that cannot easily be disregarded by mere words from applicant. Court/Commission records cannot just be impeached by mere complain without any proof. Otherwise, any dissatisfied party to the proceeding will be at liberty to raise anything at the detriment of consumer of justice. This cannot just be left to continue.

In the case of **Halfani Sudi Vs. Abieza Chichi (1998) TLR 527** at page 529 it was held that, **court records is a serious document. It should not be lightly impeached, and that there is always a presumption that** a court records represents accurately what happened.

There is no any record to the contrary of what happened on 16th May,2019 when the commission pronounced decision sought to be challenged. To this court, as the records speaks loudly, applicant received copy of decision on 16th May,2019, and filed present revision on 5th July, 2019. This revision is out of time for almost 6 days. No extension sought before filing the same. Applicant is trying to close eyes on the issue of limitation that is obvious. Time limitation is mathematics in law, one cannot overlook time specified within which to file certain dispute. Without limitation court will have endless litigation at the whims of the parties. Way back 1966 in the case of **Lakhamshi Bros Ltd Vs. Raja and Sons (1966) E.A 313 a 314** Court held that there is principle which is of the very greatest importance in the administration of justice and that principle is this, **it is the interest of all persons that there should be an end to litigation.**

Applicant having filed revision out of time, and without leave of the court, his application deserve to be dismissed. Accordingly revision application number 42/2019 is dismissed for being filed out of time.


Z.G.Muruke

JUDGE

27/11/2020

Ruling delivered today in the presence of applicant in person and in the presence of Niragira Ernest, Advocate for the respondent. Right of appeal explained.


Z.G.Muruke

JUDGE

27/11/2020