

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

AT DAR ES SALAAM

MISCELLANEOUS APPLICATION NO. 747 OF 2019

AQUARIUS ROADWAYS (T) LTD.....APPLICANT

VERSUS

MOHAMED MASIMWANDA AND ANOTHER.....RESPONDENTS

RULING

Date of last Order: 23/10/2020

Date of Ruling: 30/10/2020


Z.G.Muruke, J.

Applicant filed present application for extension of time to file revision. Same is supported by an affidavit sworn by Mr. Solomon Mahogo, Human resource officer. Applicant experienced difficulties in serving respondent physically, thus notice by publication was effected in Mwananchi Newspaper dated 8th October, 2020 at page 29, available in court records. Reason for delay are stated at paragraph 5,6,7 and 8 of affidavit in support of the application. Cause of delay is applicant delay to be supplied with order of the court. This is purely administrative issue, and more so internal affairs of the court which this court find to be sufficient in the circumstances of this application to justify the extension sought. This court in case of **Ghania J. Kimambo Vs. Shedrack Ng'ambi** Miscellaneous application No. 692/2018 held that;

"It sounds unfair and inequitable, in my considered opinion for a part to Civil litigations to be punished for an error committed by the

court and more specifically where the error is within the domestic affairs of the court. Throughout history, courts of law have assumed the position of custodians of justice. It therefore comes as a surprise and indeed it lowers down the reputation and respect of the court when parties submitting themselves to the jurisdiction of the court loses their cases for wrongs committed by the court.

I have considered respondent right of being prejudiced, I see none, much as this matter has delayed, but, he will have right to be heard on intended revision. Thus, considering the circumstances of the case justice demand grant of orders sought. Accordingly application granted. Intended application for revision to be filed within 21 days from today.


Z.G. Muruke

JUDGE

30/10/2020

Ruling delivered in the absence of all the parties.


Z.G. Muruke

JUDGE

30/10/2020