

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**LABOUR DIVISION**

**AT DAR ES SALAAM**

**REVISION NO. 187 OF 2021**

**BETWEEN**

**ANAND SURENDRA MALAM.....APPLICANT**

**VERSUS**

**LAKE CEMENT LIMITED.....RESPONDENT**

**RULING**

Date of Last Order: 19/08/2021

Date of Ruling: 19/08/2021


**B.E.K. MGANGA, J**

The Applicant filed this application seeking to revise CMA Award issued on 30<sup>th</sup> March, 2021 in Labour Dispute No. CMA/TMK/MED/475/2020.

When the application came for hearing on 19/08/2021, Karume, Advocate for the applicant conceded that the application was time barred and prayed the Court to strike it out with leave to refile. On the other hand, Mr. Mwesigwa Counsel for the Respondent submitted that the application should not be struck out but be dismissed. It is my considered opinion that, this issue has been settled by the Court of Appeal in various decisions that, a time-barred case or application, has to be dismissed in terms of Section 3(1) of the Law of Limitation Act (Cap 89 R.E. 2019) and not struck out. One among the Court of appeal decisions to that effect is the case of **Barclays**


**Bank Tanzania Limited vs. Phylisiah Hussein Mcheni**, Civil Appeal No. 19 of 2016 (unreported). For that reason, the application at hand being time-barred as conceded by counsel for the applicant, it has to be dismissed. The prayer to strike it out is rejected, instead, I hereby dismiss it.

It is so ordered.

  
**B. E. K. Mganga**  
**JUDGE**  
**19/08/2021**

**Order:** Application No. 187 of 2021 is hereby dismissed for being time barred.



  
**B. E. K. Mganga**  
**JUDGE**  
**19/08/2021**