

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

MISCELLANEOUS APPLICATION NO. 259 OF 2022

A.K. TRANSPORT CO. LIMITED APPLICANT

VERSUS

RAMADHANI SHAMA 1ST RESPONDENT

ZEMU DAUDI 2ND RESPONDENT

RULING

*Date of last Order: 5/10/2022
Date of Ruling: 5/10/2022*

B. E. K. Mganga, J.

On 4th July 2022, applicant filed this application imploring the court to extend time within which she can file an application for revision so that the court can revise the award issued on 23rd March 2022 by Hon. Nyagaya, Arbitrator in Labour dispute No. CMA/DSM/MISC/67/2020. In support of the Notice of Application, applicant filed the affidavit affirmed by Haruna Idd Katenda.

On 27th July 2022, respondent filed the notice of preliminary objection that the application is incompetent on ground that the jurat of attestation on the applicant's affidavit was not signed.

When. The application was scheduled for hearing of the preliminary objection, MR. Haruna Idd Katenda, appeared and argued for and on behalf of the applicant while Mr. Prosper Mrema, Advocate appeared and argued for and on behalf of the respondent.

Arguing the preliminary objection, Mr. Mrema, counsel for the respondent submitted that the jurat of attestation in the affidavit of Mr. Haruna Idd Katenda, does not show date of attestation. Counsel for the respondent went on that the affidavit violated section 10 of the Oath and Statutory Declaration Act [Cap. 34 RE. 2019] hence the application is incompetent.

On his side, Mr. Katenda conceded that the affidavit is defective hence the application is incompetent. When he was referred to the Notice of Application and asked to submit whether it was properly filed before the

court, he readily conceded that there is no notice of application because the purported notice of application was unsigned.

In rejoinder, Mr. Mrema, counsel for the respondent submitted that failure to sign the notice of application violated Rule 24(2) of the Labour Court Rules GN. No. 106 of 2007 hence making the application to be incompetent. counsel for the respondent concluded by praying that the application be struck out.

It is true as conceded by Mr. Katenda, principal officer of the applicant that the Notice of Application was not signed. As was correctly submitted by Mr. Mrema, learned counsel for the respondent, Rule 24(2) of the Labour Court Rules, GN. No. 106 of 2007 requires the Notice of Application be signed by the party bringing the application. In terms of Rule 24(1) of GN. No. 106 of 2007, an application to the court shall be made on notice and in terms of Rule 24(2) GN. No. 106 of 2007 the Notice must be signed by the party bringing the application. Since the Notice of Application was not signed by the person bringing an application, there is

no application before the court. I therefore agree with the parties and strike it out. It is so ordered.

Dated in Dar es Salaam on this 5th October 2022.



B. E. K. Mganga
JUDGE

Ruling delivered on this 5th October 2022 in chambers in the presence of Haruna Idd Katenda, principal officer of the Applicant and Prosper Mrema, Advocate for the respondents.



B. E. K. Mganga
JUDGE