

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

REVISION APPLICATION NO. 272 OF 2022

(Arising from the Labour Dispute No. CMA/DSM/ILA/163/2022)

M.M INDUSTRIES LIMITED..... APPLICANT

VERSUS

PATRICK MUSHUMBUSI MSHUBERESPONDENT

RULING

K.T.R MTEULE

16th February 2023 & 16th February 2023

This Ruling is on a point of Preliminary objection raised by the Respondent to challenge the application for revision filed herein on the ground that the said application is brought prematurely because it did not finalise the main case in the CMA.

In the CMA, the Respondent lodged a Labour Dispute which was accompanied by an application for condonation due to late filing of the matter. The mediator considered the matter and allowed the condonation. The applicant being dissatisfied, preferred this revision.

The Preliminary objection is to the effect that the order which allowed condonation was interlocutory, and it can't be challenged by a way of

revision. In arguing the preliminary objection, the Respondent's counsel cited the case of **MIC Tanzania Limited versus Peter S. Mhando, Rev. No 431 of 2022** where this Court struck out a revision application which was challenging a Ruling which granted condonation on the reason that the said ruling was interlocutory as it did not dispose of the matter finally.

The Legal officer for the Applicant replied that since the ruling sought to be revised did not render justice to the applicant, then they have to challenge it by revision. The applicant however does not object that the said ruling is interlocutory.

Having considered the parties submissions, I am inclined to consider whether the impugned order being interlocutory can be challenged by a way of revision. I have felt convinced to borrow leaf from the decision of my fellow **Hon. Maghimbi J** in the case of **MIC Tanzania supra**. Taking that definition and the wisdom of the court in concluding the matter, I agree with the Respondent's counsel that this matter in challenging an interlocutory order which is not revisable on its own. The Applicant's argument that the said orders contain injustice, in my view, should be reserved and be raised as one of the issues to be challenged by a way of revision if the judgment in the main case will not be in their favour.

It is on the above reasons I uphold the 1st point of preliminary objection. Consequently, the application is struck out for being preferred prematurely.

Regarding costs, it is a well-known principle that there are no costs in labour dispute. I do not allow the Respondent's prayer for costs. It is so ordered.

Dated at Dar es Salaam this 16th Day of February 2023



KATARINA REVOCATI MTEULE

JUDGE

16/2/2023

