

**THE HIGH COURT OF TANZANIA**

**LABOUR DIVISION**

**AT DAR ES SALAAM**

**MISCELLANEOUS APPLICATION NO. 54 OF 2023**

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| <b>PIUS E.MERO.....</b>                | <b>1<sup>ST</sup> APPLICANT</b>  |
| <b>FADHILI JUMA KIMARO.....</b>        | <b>2<sup>ND</sup> APPLICANT</b>  |
| <b>EMMANUEL E.NGAIZA.....</b>          | <b>3<sup>RD</sup> APPLICANT</b>  |
| <b>ALLI HAMADA HAMDUNI.....</b>        | <b>4<sup>TH</sup> APPLICANT</b>  |
| <b>ELIASA SALUM JUMA.....</b>          | <b>5<sup>TH</sup> APPLICANT</b>  |
| <b>SHABANI RAMADHANI CHEMCHAM.....</b> | <b>6<sup>TH</sup> APPLICANT</b>  |
| <b>ABBAS SAID KIBWANA.....</b>         | <b>7<sup>TH</sup> APPLICANT</b>  |
| <b>MOHAMED SALUM SEIF.....</b>         | <b>8<sup>TH</sup> APPLICANT</b>  |
| <b>MOHAMED MAHMOUD SHABAN .....</b>    | <b>9<sup>TH</sup> APPLICANT</b>  |
| <b>KHALIFA SALUM HAMAD.....</b>        | <b>10<sup>TH</sup> APPLICANT</b> |
| <b>EGBERT MUGOHA .....</b>             | <b>11<sup>TH</sup> APPLICANT</b> |
| <b>ARAFAT MWANJALA .....</b>           | <b>12<sup>TH</sup> APPLICANT</b> |
| <b>STANLEY ALEXANDER MUSHI .....</b>   | <b>13<sup>RD</sup> APPLICANT</b> |
| <b>SALUM SELEMANI .....</b>            | <b>14<sup>TH</sup> APPLICANT</b> |
| <b>HEMED BAKARI .....</b>              | <b>15<sup>TH</sup> APPLICANT</b> |
| <b>ZUBERI REMI MSOFI .....</b>         | <b>16<sup>TH</sup> APPLICANT</b> |
| <b>RAMADHAN ABDALLAH NYANGI.....</b>   | <b>17<sup>TH</sup> APPLICANT</b> |
| <b>SEIF HAMISI NYONG'ONYEKE .....</b>  | <b>18<sup>TH</sup> APPLICANT</b> |
| <b>HAMZA MUSTAFA YALEGE .....</b>      | <b>19<sup>TH</sup> APPLICANT</b> |
| <b>EONCE PETER GALLA .....</b>         | <b>20<sup>TH</sup> APPLICANT</b> |
| <b>MUHIDINI SHAHA .....</b>            | <b>21<sup>ST</sup> APPLICANT</b> |

**MALANDA AUGUSTINO CHIGOLO .....22<sup>ND</sup> APPLICANT**  
**MBARAKA ISSA DEGE .....23<sup>RD</sup> APPLICANT**  
**THEODOS EMMANUEL MISORI .....24<sup>TH</sup> APPLICANT**  
**EMMANUEL ELINISA MBOYA .....25<sup>TH</sup> APPLICANT**  
**JUMA SHABANI MAZIKU .....26<sup>TH</sup> APPLICANT**  
**EMMANUEL ISSAC DANI .....27<sup>TH</sup> APPLICANT**  
**BONIFACE MWAKAJILA .....28<sup>TH</sup> APPLICANT**  
**HAMADI MUGASHA .....29<sup>TH</sup> APPLICANT**  
**MAULIDI JUMA .....30<sup>TH</sup> APPLICANT**

**VERSUS**

**LAKE TRANS LIMITED .....RESPONDENT**

**RULING**

Date of last order: 24/4/2023

Date of ruling: 24/4/2023

**OPIYO, J.**

This application is made under rule 24(1) (2) (a-e), 24(3)(a-d) 43(1) and 44 (1) and (20 of the Labour Court Rules, GN No. 106/2007 where the applicants made application for leave of the court for one of them, Pius E Mero to be appointed to institute a suit on behalf of 29 others. This will enable Pius E Mero to stand for the rest of the respondents in Revision no 33/2023 before this court.



The hearing of the said application proceeded *ex parte* pursuant to this court order upon the respondent's failure to appear irrespective of being served since 3<sup>rd</sup> March 2023. On the hearing of this matter, the applicants were represented by Mr. Pasience Mlowe, Learned Counsel. In support of the application he submitted that since the respondent filed no counter affidavit in contesting their application, the same remain uncontested, hence, prone for outright grant based on what has been stated in the affidavit in support of the application, he prayed to adopt.

I have given due consideration to the counsels submissions. Rule 44 (2) provides *inter alia* that:-

*"Where there are numerous persons having the same interest in a suit, one or more of such persons may, with the permission of the court, appear and be heard or defend in such dispute, on behalf of or for the benefit of all persons so interested..."*

The above provision applies when numerous applicants have the same interest in a matter before the court that is capable of being pursued by one or more of them on behalf of all others. Therefore, the only issue is



whether the application before me has met the conditions for leave as explained above to be granted.

This matter is in the revision stage after trial by CMA. According to affidavit in support of the application as was already established during trial, these applicants have the same interest that can be pursued representatively. The applicant has the mandate of those he seeks to take up the matter on behalf, proved by the signing of the affidavit in support of the application by all. He has therefore, met the requirement of being granted leave to represent others as I hereby do. Mr. Pius P Mero is granted leave to defend 29 others in Revision no 33/2023 before this court.



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**M. P. OPIYO,**

**JUDGE**

**24/4/2023**