

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

**MISCELLANEOUS LABOUR APPLICATION NO. 18 OF 2023**

**BETWEEN**

**CONTINENTAL RELIABLE CLEARING ..... APPLICANT**

**VERSUS**

**ALEX JORAM LWAMBINA ..... RESPONDENT**

**COURT RULING**

**Date of last Order:** 27/04/2023

**Date of Ruling:** 27/04/2023

**MLYAMBINA, J.**

The Applicant by way of Chamber summons made under *Rules 55(1) and 56(1) of the Labour Court Rules, G.N. No. 106 of 2007* and *Section 14(1) of the law of Limitation Act, Cap 89. R.E. 2002* seeking for extension of time within which the Applicant may lodge a Notice of Intention to appeal to the Court of Appeal of Tanzania against the Judgement and Decree of this Court dated 21<sup>st</sup> October, 2022 in *Revision Application No. 102 of 2022*.

The impugned decision condoned with the late reference of the application before CMA and ordered for the CMA to proceed with the application on merits.

In response to this application, Counsel John Lingopola for the Respondent raised a Preliminary Objection that the Court was not been

property moved for citing wrong provision of the law.

However, on 27<sup>th</sup> April, 2023 when the application came for hearing, Counsel Lingopola prayed to withdraw the Preliminary objection. The prayer was predicated with the intention of the applicant to withdraw the application.

In reaction, Counsel Nehemia Nkoko for the Applicant had no objection to the withdrawal of the Preliminary objection. He further and without any opposition prayed to withdraw the application.

Having perused the records, I entirely agree with Counsel Nehemia Nkoko that the application sought was an abuse of the Court process, meant to waste time and costs of the parties and of the Court.

In the circumstances, the preliminary objection and the application are hereby marked withdrawn. The late reference of the application before the CMA sustained by this Court and the order for the CMA to proceed with the application on merits be complied with. Order accordingly.



**Y.J. MLYAMBINA**  
**JUDGE**  
**27/04/2023**

Ruling delivered and dated 27<sup>th</sup> day of April, 2023 in the presence of learned Counsel Nehemia Nkoko for the Applicant and John Lingopola for the Respondent and respondent present in person.



A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the left.

**Y.J. MLYAMBINA**  
**JUDGE**  
**27/04/2023**