

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

MISCELLANEOUS LABOUR APPLICATION NO. 76 OF 2023

BETWEEN

AMANI MWANGA & 5 OTHERS APPLICANTS

VERSUS

AUTO MECH LTD.1ST RESPONDENT

BHARAAT SHIVJI BAJARIA 2ND RESPONDENT

COURT RULING

Date of last Order: 06/06/2023

Date of Ruling: 06/06/2023

MLYAMBINA, J.

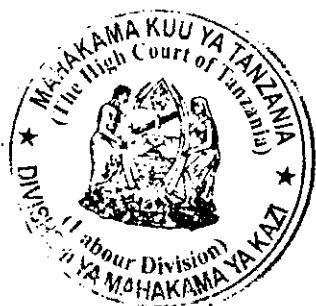
The Applicants are the Decree Holder vide *Labour Dispute No. CMA/DSM/ILA/224/2020* and *Execution No. 520 of 2020*. In this application, the Applicants were seeking *inter alia* orders that this Court be pleased to lift the veil of incorporation of the Judgement Debtor and be pleased to order for the arrest and detention of the 2nd Respondent, the Managing Director of the 1st Respondent/Judgement Debtor.

On 6th June, 2023, when the application was called for hearing, Mr. Kelvin Mundo, Personal Representative of the 1st, 3rd and 5th Applicants

prayed to withdraw the application with leave to refile. The reason being that the 2nd Respondent cannot be traced as he resides in the United Kingdom.

It would appear the 1st Respondent is the defunct Company. The Applicants with their Decree are struggling on enforcing it.

For interests of justice, I find proper, to grant the prayer for withdrawal of this application in terms of *Rules 34 and 55(1) & (2) of the Labour Court Rules, 2007, G.N. No. 106 of 2007*. The Applicants are afforded 14 days time to re-file the application. No. order as to costs. Order accordingly.



Y.J. MLYAMBINA
JUDGE
06/06/2023