

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

**REVISION APPLICATION NO. 42 OF 2023**

**BETWEEN**

**GRACE JOSEPH..... 1<sup>ST</sup> APPLICANT**  
**SALMA SAID.....2<sup>ND</sup> APPLICANT**  
**AMINA JOKOLO.....3<sup>RD</sup> APPLICANT**  
**MARIAM JUMA.....4<sup>TH</sup> APPLICANT**

**VERSUS**

**JANETH A. MASSAWE.....RESPONDENT**

**COURT RULING**

**Date of last Order:** 28/06/2023

**Date of Ruling:** 28/06/2023

**MLYAMBINA, J.**

The Applicants filed this Revision application through representation of Counsel Richard Jackson Mwalingo. They were essentially challenging the Award of the Commission for Mediation and Arbitration of Dar es Salaam (herein CMA) in Labour Dispute No. CMA/DSM/KIN/192/21/129/2022 delivered by Hon. LUCIA CHRISANTUS CHACHA, Arbitrator dated 30<sup>th</sup> November, 2022.

The application was supported with the affidavit of Richard Jackson Mwalingo, Advocate for the Applicant before the CMA and this Court.

In response, the Respondent apart from filing the Counter affidavit sworn by Janeth A. Massawe, and notice of opposition, filed a notice of preliminary objection attacking the application being time barred, incompetent affidavit and offending the mandatory provision of the law.

On 28<sup>th</sup> June, 2023 when the application came for hearing of the preliminary objection, Counsel Jamal Ngowo prayed to withdraw the preliminary objection so that the matter can proceed with the hearing on merits if it is competent before this Court.

Counsel Richard Mwalingo, in reply had no objection to the prayer of withdrawing the objection. He went further to pray for withdrawal of the application with leave to refile.

Counsel Jamal Ngowo in rejoinder objected the prayer for leave to refile on the ground that the Applicants must seek leave to file notice of intention to file revision (CMA Form No. 10) prior filing revision as per *Regulation 34 (1) of G.N No. 47 of 2017*.

I have considered the submission of both parties. It is clear from the record that this application for revision was not proceeded by a notice of intention to seek revision.

As properly submitted by Counsel Jamal Ngowo, the Applicants must prior seeking extension of time to file revision, obtain leave to file notice of intention for filing revision.

In the premises, the preliminary objections on points of law and the application for revision are marked withdrawn with no order as to costs. It is so ordered.

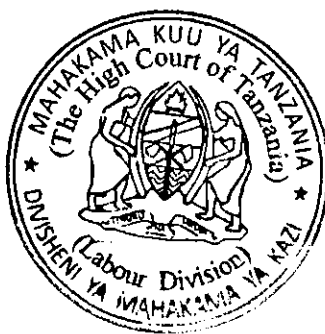


**Y.J. MLYAMBINA**

**JUDGE**

**28/06/2023**

Ruling delivered and dated 28<sup>th</sup> June, 2023 in the presence of learned Counsel Richard Mwalingo for the Applicants and Jamal Ngowo for the Respondent.



**Y.J. MLYAMBINA**

**JUDGE**

**28/06/2023**