

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

LABOUR REFERENCE NO. 100 OF 2023

BETWEEN

SUNSHINE LAUNDRY AND DRY CLEANERS LTD. APPLICANT

VERSUS

LAIZER LAZARO RASHID & 4 OTHERS 1ST RESPONDENT

EL MALIK ABOUD t/a SANTANA INVESTMENT LIMITED 2ND RESPONDENT

COURT RULING

Date of last Order: 18/07/2023

Date of Ruling: 18/07/2023

MLYAMBINA, J.

The Applicant preferred this reference seeking for an order of this Court quashing the ruling in the *Execution No. 399 of 2022* delivered on 17th March, 2023 by Hon. E.M. Kassian, Deputy Registrar.

On 30th June, 2023 this Court *suomoto* raised an objection against the application for being incompetent on the ground that in terms of *Rule 27(1) & (2) of the Labour Rules, G.N. No. 106 of 2007*, the Applicant ought had preferred a review instead of reference.

On 18th July, 2023 when the application came for hearing of the Preliminary Objection, Counsel Anold Luwoga while holding brief of Gilbert Mushi, conceded to the legal objection.

Consequently, the application is hereby marked struck out for being incompetent before the Court. It is so ordered.



Y.J. MLYAMBINA
JUDGE
18/07/2023

Ruling delivered and dated 18th July, 2023 in the presence of Anold Luwoga, holding brief of Gilbert Mushi, learned Counsel for the Applicant and Michael Mgombozi, Personal Representative for the 1st Respondent and in the absence of the 2nd Respondent.



Y.J. MLYAMBINA
JUDGE
18/07/2023