

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

**MISCELLANEOUS LABOUR APPLICATION NO. 173 OF 2023**

**BETWEEN**

**PHILIPO RANGIA ATHUMANI ..... APPLICANT**

**VERSUS**

**LAKE CARRIERS LTD. .... RESPONDENT**

**RULING**

**Date of last Order:** 4/09/2023

**Date of Ruling:** 4/09/2023

**MLYAMBINA, J.**

The Applicant is seeking for extension of time within which to file revision against the decision of the Commission of Mediation and Arbitration (herein CMA) in *Labour Dispute No. CMA/DSM/TMK/323/2022* issued by Hon. Ngalika E. Arbitrator.

On 4<sup>th</sup> September, 2023, upon the application been called for hearing learned Counsel Eriolotu Boniface for the Respondent, prayed for the application to be dismissed on resjudicata basis, a prayer which was not objected by the Applicant.

I have had time to go through the records and noted that the same parties over the same issue litigated before this Court in *Misc. Labour*

*Application No. 32 of 2023* it follows, therefore, correct that this application is resjudicata in terms of *Section 9 of the Civil Procedure Code [Cap 33 R.E. 2019]*.

In the premises, the application is dismissed for being Resjudicate.

It is so ordered.



**Y.J. MLYAMBINA**  
**JUDGE**  
**04/09/2023**

Ruling delivered and dated 4<sup>th</sup> day of September, 2023 in the presence of the Applicant in person and learned Counsel Heriolotu Boniface for the Respondent.



**Y.J. MLYAMBINA**  
**JUDGE**  
**04/09/2023**