IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE SUB-REGISTRY OF MWANZA

AT MWANZA

MISCELLANEOUS APPLICATION NO. 11977 OF 2026

(Arising from Labour Execution No. 9140 of 2026 and CMA/MZA/NYAM/139/2025/53/2025)

BETWEEN

JAMBO FOOD PRODUCTS COMPANY LIMITED ..... APPLICANT

AND

HASSAN ISSA SHIKILA ..... RESPONDENT

RULING

12/6/2026 & 10/7/2026

ROBERT, J.

The Applicant, Jambo Food Products Company Limited, has moved this Court by way of Chamber Summons brought under sections 92(3) and 94(1)(e) of the Employment and Labour Relations Act, [Cap. 366 R.E. 2023], Rule 24 of the Labour Court Rules, G.N. No. 106 of 2007 and other enabling provisions of the law seeking, principally:-

1. *An order uplifting the warrant of attachment issued by the Deputy Registrar on 29th April 2026 in Labour Execution No. 9140 of 2026; and*
2. *an order Staying Execution No. 9140 of 2026 arising from the award in CMA/MZA/NYAM/139/2025/53/2025 pending determination of Revision Application No. 11509 of 2026.*

The application is supported by the affidavit of Mr. Ernest Alfred Mhagama, Advocate for the Applicant, whereas the Respondent opposed the application and additionally raised a preliminary objection challenging the competence of the Applicant's representation before this Court.

By consent and direction of the Court, both the preliminary objection and the main application were argued by way of written submissions.

The Respondent raised a preliminary objection contending that the Notice of Representation filed by the Applicant's advocate contravenes section 56 of the Labour Institutions Act, [Cap. 300 R.E. 2023], read together with Rule 43 of the Labour Court Rules, G.N. No. 106 of 2007, on the ground that the advocate purportedly appointed himself instead of being appointed by the Applicant.

The Applicant resisted the objection and argued that a Notice of Representation is not an instrument of appointment but merely a notification to the Court and other parties that a representative has been appointed and shall henceforth act on behalf of a party.

The Respondent's preliminary objection is founded on the contention that the Notice of Representation filed by Mr. Ernest Alfred Mhagama, Advocate, contravenes section 56(b) of the Labour Institutions Act, [Cap. 300 R.E. 2023], read together with Rule 43(1)(a) and (b) of the Labour Court

Rules, G.N. No. 106 of 2007, on the ground that the advocate allegedly appointed himself as representative of the Applicant and further signed the Notice of Representation in his own name instead of the Applicant signing the same. The Respondent consequently urges the Court to strike out the entire application as incompetent.

The Applicant, on the other hand, argues that the Notice of Representation is not an instrument through which appointment of a representative is made, but rather a procedural notification informing the Court and other parties that a duly appointed representative shall act on behalf of a party in the proceedings. The Applicant further submits that Rule 43 expressly places the obligation of issuing such notice upon the representative himself and not upon the litigant represented.

I have carefully considered the rival arguments.

The starting point is section 56 of the Labour Institutions Act which grants parties to labour proceedings the right to appear either personally or through representatives of their own choice. The provision creates the substantive right of representation but does not prescribe the procedural mechanism through which such representation is communicated to the Court.

The procedural aspect is governed by Rule 43(1) of the Labour Court Rules which provides as follows:

> *"A representative who acts on behalf of any party in any proceedings shall by written notice advise the Registrar and all other parties of the following particulars..."*

The wording of the Rule is plain and unambiguous. The duty to notify the Registrar and the parties is imposed upon "*a representative who acts on behalf of any party.*" The Rule neither requires nor contemplates that the party represented must personally prepare, sign or file the Notice of Representation.

Indeed, the language employed by the Rule strongly suggests that it is the representative himself who must issue the notice because the purpose of the document is to communicate his particulars, address for service and contact information to both the Court and other litigants.

The Court therefore agrees with the Applicant that a Notice of Representation is not an instrument of appointment but rather a procedural notice communicating an already existing relationship of representation to the Court.

The distinction between appointment and notification is crucial. Appointment of an advocate or representative is ordinarily effected by the

party through instructions, authorization, a resolution of the corporate entity, execution of pleadings, or other acts demonstrating the intention to be represented. The Notice of Representation merely informs the Court that such appointment has already taken place.

This position finds support in the decision of the High Court in **Sahara Media Ground Ltd vs Dino Donald Mgunda** (Misc. Labour Application 32 of 2021) [2021] TZHC 2016 (27 August 2021) TANZLII., where the Court emphasized that the requirement under Rule 43 is a mandatory notification requirement imposed upon a representative intending to act in labour proceedings and that failure to file such notice affects representation rather than the existence of authority itself.

Similarly, in ***Edward James Ng'wenge & Others v Permanent Secretary, Ministry of Minerals & Others***, Civil Application No. 10/08 of 2020 [2023] TZCA 17347 (19th June, 2023) TANZLII, the Court of Appeal reiterated that while parties possess a statutory right to representation under section 56 of the Labour Institutions Act, the representative is required to notify the Court through a Notice of Representation pursuant to Rule 43 of the Labour Court Rules.

More recently, in ***Samson Rwechungura and Another v Geita Gold Mine***, Misc. Labour Application No. 26699 of 2025 [2026] TZHC 806 (13 March, 20260 TANZLII, the High Court reaffirmed that it is the representative

intending to act before the Labour Court who bears the obligation to file the Notice of Representation.

The Respondent relies heavily on the decisions in ***Hashim Ally Madegello v Alpha Krust Limited,*** Revision Application No. 435 of 2022 [2023] TZHCLD 1230 (6th April, 2023) ***Simon John v BRAC Tanzania Finance Ltd,*** Misc. Application No. 60 of 2018, High Court, Labour Division at Dar es salaam (unreported) and ***Achelis (Tanganyika) Ltd v Benedict M. Sembo***, Revision Application No. 253 of 2020 (2021) TZHCLD 461 (12 November, 2021) for the proposition that a representative lacks authority to sign pleadings on behalf of a party. While this proposition may be correct in relation to certain pleadings which by law require execution by the party or an authorized officer of a corporate entity, the Court is unable to agree that a Notice of Representation falls within that category.

A Notice of Representation does not initiate proceedings, does not invoke the jurisdiction of the Court, does not contain substantive claims, and does not determine rights or liabilities of parties. Its function is purely administrative and procedural.

Consequently, the authorities relied upon by the Respondent are distinguishable from the present circumstances and cannot be extended to invalidate a Notice of Representation signed and filed by the representative whose appearance is being notified.

Even assuming for purposes of argument that there existed any defect in the manner in which the Notice of Representation was signed or filed, such defect would constitute a procedural irregularity curable by amendment and not a jurisdictional defect warranting the striking out of the entire application.

Labour jurisprudence has consistently discouraged undue reliance on procedural technicalities where substantive justice can still be achieved without prejudice to the opposite party. The overriding objective of labour adjudication remains the just, expeditious and proportionate resolution of labour disputes.

The Court further notes that the Applicant herein is a limited liability company which can only act through natural persons, officers and agents. The record before the Court shows that the application itself was instituted by the company through its advocate and there is no allegation from the company itself disputing the advocate's authority to act on its behalf. On the contrary, the company has throughout affirmed such representation. In those circumstances, it would be contrary to both principle and practicality to permit an opposing litigant to challenge authority which the represented party itself does not dispute.

Accordingly, this Court finds that the Notice of Representation filed by the Applicant's advocate substantially complied with the requirements of

Rule 43 of the Labour Court Rules and that the objection raised by the Respondent lacks legal foundation.

The preliminary objection is therefore overruled.

Having overruled the preliminary objection, I now turn to determine the merits of the substantive application.

Learned counsel for the Applicant, submitted that the application is brought under a certificate of urgency seeking principally an order lifting the Garnishee Order Nisi (warrant of attachment) issued by the Deputy Registrar of the High Court, Mwanza Sub-Registry, on 29th April, 2026 in Labour Execution No. 9140 of 2026, pending the determination of Revision Application No. 11509 of 2026 challenging the arbitral award. He contended that the grounds justifying the grant of the orders sought are fully set out in paragraphs 17 to 22 of the supporting affidavit.

Counsel submitted that the first ground for the application is that the Applicant was denied its constitutional right to be heard before the Garnishee Order Nisi was issued. According to counsel, the Applicant was neither served with the notice of execution nor with summons requiring it to appear and participate in the execution proceedings. Consequently, the execution proceedings culminating in the issuance of the Garnishee Order Nisi were conducted entirely without the Applicant's knowledge. He explained that the

Applicant only became aware of the execution proceedings after receiving a letter dated 6th May, 2026 from the National Microfinance Bank (NMB), informing it that its Account No. 30710036514 had been attached pursuant to a court order restraining the bank from releasing the sum of TZS 13,020,000/=, and enclosing the Garnishee Order Nisi together with the relevant court order.

Counsel further submitted that upon becoming aware of the attachment, the Applicant conducted a perusal of the court record relating to Labour Execution No. 9140 of 2026. The Applicant discovered that when the execution application first came before the Deputy Registrar on 20th April, 2026, an order was made directing that summons be issued to both parties so that the matter could proceed inter partes. He argued that notwithstanding that express judicial direction, the Respondent failed to ensure compliance with the order, as no summons were ever served upon the Applicant. Despite such non-compliance, when the matter came up again on 29th April, 2026, the Deputy Registrar neither addressed the issue of service nor vacated the earlier order directing issuance of summons. Instead, the Deputy Registrar proceeded to hear the application ex parte and, on the same date, issued the Garnishee Order Nisi attaching the Applicant's bank account.

It was counsel's submission that by proceeding with the execution proceedings ex parte without first vacating the subsisting order directing service of summons upon the parties, the Deputy Registrar effectively denied the Applicant the opportunity to be heard. Counsel argued that such conduct was contrary to Article 13(6)(a) of the Constitution of the United Republic of Tanzania, 1977, which guarantees every person the right to be heard before adverse judicial decisions affecting his rights or interests are made. He submitted that the omission amounted to a violation of the principles of natural justice and occasioned a miscarriage of justice.

In support of that proposition, counsel referred the Court to the decision in ***Finca Microfinance Bank v Devotha Clemence*** (Miscellaneous Civil Application No. 30797 of 2024) [2025] TZHC 5371, in which the High Court held that where an amended execution application had been filed, the executing court was under a duty to afford the opposing party an opportunity to be heard before issuing a Garnishee Order Nisi, and consequently set aside the order after finding that the applicant had been denied that opportunity. Counsel also relied on the decision in ***Ahmed Mohamed Hamoud v Rozetha Blass Mahumbira*** (Miscellaneous Civil Application No. 450 of 2025) [2025] TZHC 3077, where the Court held that although failure to issue a Garnishee Order Nisi may not in every case constitute a material irregularity, the combined failure to issue both summons and a

Garnishee Order Nisi, depending on the circumstances of the case, amounted to a miscarriage of justice warranting judicial intervention.

Counsel further submitted that the second ground supporting the application is the existence of pending proceedings before this Court challenging the arbitral award. He informed the Court that Revision Application No. 11509 of 2026, which seeks to revise and set aside the arbitral award, had already been fixed for hearing before Ngingwana, J., while Miscellaneous Application No. 11672 of 2026 seeking stay of execution of the award was scheduled to be heard before this Court. According to counsel, the merits of the employment dispute between the parties, as well as their respective rights and obligations arising from the arbitral award, would be fully determined in those proceedings.

Counsel argued that allowing the execution proceedings to continue before the determination of the pending revision and stay applications would occasion substantial prejudice to the Applicant. He submitted that the attachment of the Applicant's bank account would disrupt its business operations, expose it to significant financial inconvenience, and render the pending revision application nugatory should the attached funds be released to the Respondent before the revision is determined. Counsel further contended that if the Garnishee Order Nisi were eventually made absolute and the attached sum of TZS 13,020,000/= paid over to the Respondent,

the Applicant might encounter serious difficulties in recovering the money should the revision ultimately succeed.

To reinforce that submission, counsel relied on the decision of the Court of Appeal in ***Muhimbili National Hospital v Constantine Victor John*** (Civil Application No. 52 of 2013) [2014] TZCA 2147, where the Court held that where an application challenging the merits of an employment dispute is already pending, execution proceedings commenced during the pendency of that application may be stayed in order to preserve the subject matter and avoid rendering the pending proceedings nugatory. Counsel also cited ***African Inland Container Depot Limited v Abble Logistics Limited*** (Civil Appeal No. 5890 of 2026) [2026] TZCA 228, in which the Court of Appeal granted a stay of execution after observing that attachment of the applicant's bank accounts would seriously interfere with its business operations and render the pending appeal nugatory.

In conclusion, counsel submitted that the Applicant had demonstrated sufficient and compelling reasons to warrant the intervention of the Court. He therefore urged the Court to lift the Garnishee Order Nisi issued on 29th April, 2026 and to stay further execution proceedings pending the determination of Miscellaneous Application No. 11672 of 2026 and Revision Application No. 11509 of 2026, with such further orders as the Court might deem fit in the interests of justice.

In opposing the application, learned counsel for the Respondent submitted that the application lacks merit and ought to be dismissed with costs.

Addressing the first ground of the application, counsel submitted that the Applicant's contention that it was denied the right to be heard on account of non-service of summons to appear in the execution proceedings is legally untenable. Counsel argued that the law governing execution proceedings is clearly provided under Order XXI Rule 22(1) and (2) of the Civil Procedure Code, Cap. 33 R.E. 2023, which requires issuance of summons to show cause only where execution is sought after the expiry of one year from the date of the decree or award sought to be executed. According to counsel, where execution proceedings are instituted within one year from the date of the decree or award, issuance of summons is not mandatory.

In support of that proposition, counsel relied on the decision in ***Nam Enterprises Ltd & Four Others v First National Tanzania Ltd*** (Commercial Review No. 6 of 2022) [2022] TZHCCOMD 353, in which the Court observed that even in circumstances where issuance of summons to show cause would ordinarily be required, the executing court retains discretion to dispense with such summons where it is satisfied that issuance thereof would occasion unreasonable delay or defeat the ends of justice. Counsel also referred the Court to ***Gloria Paul Kessy v Andrew Obunde***

and Others (Miscellaneous Land Application No. 1088 of 2024) [2025] TZHCLANDD 227, which, according to counsel, reiterates the same legal position.

Counsel submitted that, in the present case, the Respondent commenced Labour Execution No. 9140 of 2026 within one year from the date of the arbitral award issued by the Commission for Mediation and Arbitration. Consequently, there was no legal requirement for issuance of summons before the execution proceedings could proceed. Counsel therefore maintained that the Deputy Registrar acted within the confines of the law in entertaining the execution proceedings and issuing the Garnishee Order Nisi. It was further argued that the allegation that the Applicant's constitutional right to be heard was violated is without legal foundation, as the Deputy Registrar was satisfied that the execution proceedings complied with the applicable legal requirements. Counsel accordingly urged the Court to reject the Applicant's complaint and uphold the execution order.

With regard to the second ground of the application, counsel submitted that the Applicant's reliance on the pendency of Revision Application No. 11509 of 2026 and Miscellaneous Application No. 11672 of 2026 as a basis for lifting the Garnishee Order Nisi is misconceived. Counsel argued that at the time the execution application was heard and determined on 29th April, 2026, neither the revision application nor the application for stay of

execution had been filed. According to counsel, the execution proceedings were therefore properly instituted and lawfully concluded before the subsequent proceedings challenging the award were commenced.

Counsel further submitted that it is a settled principle of law that the mere filing or pendency of an appeal or revision application does not, by itself, operate as a stay of execution unless a specific order of stay has first been granted by a competent court. In support of that submission, reliance was placed on ***Simon Nachan v Agostino Hhamandi*** (Miscellaneous Land Application No. 11677 of 2024) [2024] TZHC 2379, where the Court held that the filing of an appeal does not constitute a bar to execution in the absence of an order staying execution.

Counsel therefore argued that since the Garnishee Order Nisi had already been issued before the filing of the revision application on 9th May, 2026 and the subsequent application for stay of execution on 11th May, 2026, the execution proceedings were lawfully underway and could not be invalidated merely because the Applicant later instituted proceedings challenging the award. Counsel also pointed out what was described as a discrepancy in the manner the parties were cited in Revision Application No. 11509 of 2026 as compared to Labour Execution No. 9140 of 2026, although no further submissions were advanced regarding the legal consequences of that discrepancy.

Counsel further opposed the Applicant's contention that it would suffer irreparable loss if the Garnishee Order Nisi were allowed to stand. It was submitted that the attachment was confined only to the decretal sum of TZS 13,020,000/= and did not extend to the entire balance standing in the Applicant's bank account. According to counsel, the Applicant continues to operate the same bank account, and no evidence, such as bank statements, had been produced to demonstrate that the account had been frozen or that the Applicant's business operations had been brought to a halt. Counsel referred to the correspondence from the garnishee bank, which, according to him, merely confirmed that the decretal amount had been restricted.

It was further submitted that the Applicant's apprehension that it would be unable to recover the decretal amount in the event the revision application succeeds is speculative, as the law provides an adequate remedy through the doctrine of restitution under section 99 of the Civil Procedure Code, Cap. 33 R.E. 2023. Counsel argued that should the decretal amount ultimately be paid to the Respondent and the revision application later succeed, the Applicant would be entitled to seek restitution in accordance with the law.

Counsel additionally submitted that the Applicant had failed to demonstrate, through evidence contained in the supporting affidavit, that it would suffer substantial or irreparable loss warranting interference with the

execution proceedings. In support of that submission, reliance was placed on ***Bayport Financial Services (T) Ltd v Herieth Nashon*** (Miscellaneous Application No. 14 of 2020) [2020] TZHCLD 3699, where the Court held that an applicant seeking to set aside or interfere with a Garnishee Order Nisi must establish, by credible evidence, the substantial prejudice likely to be suffered if the order remains in force.

In conclusion, counsel urged the Court to dismiss the application and uphold the Garnishee Order Nisi so as to enable the Respondent, as the successful litigant, to proceed with obtaining a Garnishee Order Absolute and thereby enjoy the fruits of the award. In the alternative, and only in the event that the Court was inclined to grant the application, counsel prayed that the Court should order the Applicant to furnish a bank guarantee as security, relying on the decision in ***First Assurance Company Limited v Heritage Insurance Company Tanzania Limited*** (Civil Application No. 364 of 2025). Counsel therefore prayed that the application be dismissed with costs.

By way of rejoinder, learned counsel for the Applicant reiterated the submissions made in support of the application and responded to the issues raised by the Respondent in opposition thereto.

Regarding the issue of service, counsel maintained that the Applicant was neither served with a notice of execution nor with summons requiring it

to appear in the execution proceedings. Counsel acknowledged the Respondent's reliance on Order XXI Rule 22(1) and (2) of the Civil Procedure Code, Cap. 33 R.E. 2023, to the effect that summons are mandatory only where execution is sought after the expiry of one year from the date of the decree or award. However, counsel argued that irrespective of that statutory position, the record of Labour Execution No. 9140 of 2026 demonstrates that on 20th April, 2026 the Deputy Registrar expressly ordered that summons be issued to the Applicant so that the execution application could proceed inter partes. According to counsel, once such an order had been made, compliance therewith became mandatory unless and until the order was varied or set aside. Counsel submitted that the subsequent decision of the Deputy Registrar to proceed with the execution proceedings ex parte without first vacating the earlier order directing service of summons rendered the entire proceedings irregular and deprived the Court of jurisdiction to proceed in the absence of compliance with its own subsisting order.

In support of that proposition, counsel referred the Court to the decision in ***Attorney General v Kadau and Others*** (Civil Application No. 51 of 1996) [1997] TZCA 135, wherein the Court of Appeal held that where there exists an unvacated court order, any proceedings undertaken in disregard of that order are without authority or jurisdiction. Counsel therefore submitted that the failure to comply with the Deputy Registrar's

order directing issuance of summons vitiated the subsequent execution proceedings and the Garnishee Order Nisi issued therein.

Turning to the Respondent's submissions concerning the pending revision and stay proceedings, counsel maintained that Revision Application No. 11509 of 2026 challenging the arbitral award remains pending before this Court and is now scheduled for hearing before this Court, while Miscellaneous Application No. 11672 of 2026 seeking stay of execution has already been heard by way of written submissions and awaits determination. Counsel further submitted that the revision proceedings did not arise unexpectedly but were instituted within the statutory period prescribed for filing applications under section 92 of the Employment and Labour Relations Act. According to counsel, prior to filing the revision application, the Applicant had already lodged and served upon the Respondent a Notice of Intention to Apply for Revision (CMA Form No. 10) on 16th April, 2026, thereby notifying both the Commission for Mediation and Arbitration and the Respondent that the revision process had commenced.

Counsel submitted that the legal significance of the Notice of Intention to Apply for Revision was considered by the Labour Court in ***Bidco Oil & Soap Ltd v Emmanuel Kimario*** (Revision No. 145 of 2023) [2023] TZHCLD 1451, where the Court observed that, apart from its administrative function of enabling the Commission to prepare the record of proceedings,

the notice also serves the judicial purpose of informing the decree-holder that execution should not proceed because the revision process has commenced. Relying on that authority, counsel argued that the Respondent ought to have been aware that the Applicant had already initiated the revision process before execution was pursued.

Counsel also responded to the Respondent's contention regarding the manner in which the parties were cited in Revision Application No. 11509 of 2026. He submitted that the issue was neither raised in the Applicant's principal submissions nor formed part of the issues properly arising for determination in the present application. Counsel therefore urged the Court to disregard that contention as being irrelevant to the issues before it.

Regarding the Respondent's alternative prayer that the Applicant be ordered to furnish a bank guarantee, counsel submitted that such a requirement was unnecessary in the circumstances of the present case. He argued that the Applicant is a reputable corporate entity with permanent assets and sufficient financial capacity to satisfy the decretal amount should the revision application ultimately fail. Counsel maintained that the decretal sum of TZS 13,020,000/= cannot reasonably be regarded as being beyond the Applicant's financial ability to pay.

To support that proposition, counsel relied on the decision in ***Fransalian Hekima Seminary Secondary School v Baraka Rubangula***

and Another (Miscellaneous Labour Application No. 73 of 2022) [2023] TZHC 16189, where the Labour Court held that although the applicant had not expressly undertaken to furnish security, the Court could presume, in the absence of evidence to the contrary, that a reputable institution possessed sufficient financial capacity to satisfy the award should the pending revision application fail. The Court consequently granted an order staying execution without requiring the applicant to provide security.

In conclusion, counsel submitted that when the Applicant's principal submissions are considered together with the matters raised in the rejoinder, sufficient grounds have been established to justify the intervention of the Court. He accordingly urged the Court to uplift the Garnishee Order Nisi pending the determination of Miscellaneous Application No. 11672 of 2026 and Revision Application No. 11509 of 2026.

From the pleadings and submissions, the Court considers the following issues:

1. Whether the reliefs sought are properly anchored under sections 92 and 94 of the Employment and Labour Relations Act;
2. Whether the Court can lawfully grant an order uplifting the warrant of attachment issued by the Deputy Registrar;

3. Whether the prayer for stay of execution is properly before this Court in light of the pending Miscellaneous Application No. 11672 of 2026; and

4. What is the appropriate order in the interests of justice.

Starting with the question whether the Application is properly anchored in sections 92 and 94 of the Employment and Labour Relations Act. Section 92 of the Act establishes the jurisdiction of this Court in relation to arbitration awards, including the power to: set aside an award (section 92(1) and (2)); and stay enforcement of the award pending determination of such application (section 92(3)).

Section 94 does not confer any independent enforcement or execution-related jurisdiction relevant to the reliefs sought.

The Court observes that the present application is anchored on a revision challenging the arbitral award under section 92(1) and (2), and therefore section 92(3) is, in principle, the statutory basis for any stay of enforcement of the award.

However, the statutory power under section 92(3) is specifically intended to operate within properly constituted proceedings seeking to set aside the award. The Court must therefore be satisfied not only that it has

jurisdiction in abstract, but also that the relief sought is properly invoked within procedurally coherent proceedings.

That takes this Court to the question whether the Court can uplift the warrant of attachment.

The first prayer seeks an order uplifting the warrant of attachment issued by the Deputy Registrar in execution proceedings.

With respect, section 92(3) does not expressly or impliedly confer power to set aside execution orders, warrants of attachment, or garnishee orders already issued by the Deputy Registrar.

The provision is limited to a stay of enforcement of the award, not review or nullification of execution processes already undertaken.

Accordingly, while the Court retains supervisory jurisdiction over its own process, the present application is not framed as a challenge to execution proceedings per se, but as an application under section 92 of the Act. The Court therefore finds that the first relief is not properly grounded in the statutory provisions invoked.

Coming to the question whether the prayer for stay of execution should be granted. The second prayer seeks stay of execution pending determination of Revision Application No. 11509 of 2026.

The Court notes that Revision Application No. 11509 of 2026 is itself an application properly brought under section 92(1) and (2) of the Act challenging the arbitral award. In principle, therefore, section 92(3) empowers this Court to stay enforcement of the award pending determination of that revision application.

However, the Court further notes from the affidavit evidence that the Applicant has already instituted Miscellaneous Application No. 11672 of 2026 seeking an order for stay of execution of the same award pending determination of the same revision application.

This Court is therefore confronted with two parallel proceedings seeking substantially identical interim relief arising from the same cause.

It is a well-settled principle of judicial administration that Courts of coordinate jurisdiction should avoid duplication of proceedings and the risk of inconsistent determinations.

Where a party has already invoked the Court's jurisdiction through a properly constituted application seeking interim relief, it is neither necessary nor appropriate for the Court to entertain a second application seeking substantially the same relief.

In the present circumstances, the Court is satisfied that the question of stay of execution is already properly seized of by another application pending determination before this Court.

Accordingly, although section 92(3) in principle vests jurisdiction to grant such relief, this Court declines to exercise that jurisdiction in the present proceedings to avoid duplication and to preserve judicial comity.

The Court has carefully considered whether it should nevertheless exercise inherent jurisdiction to set aside the warrant of attachment on grounds of alleged procedural irregularity before the Deputy Registrar.

However, the Court is mindful that: the application was specifically brought under sections 92 and 94 of the Act; the reliefs sought are structured within the framework of revision and stay pending revision; and the issue of stay of execution is already pending determination in Miscellaneous Application No. 11672 of 2026.

In those circumstances, the Court considers it more appropriate to refrain from fragmenting interlocutory reliefs across multiple proceedings.

The Applicant is at liberty to pursue the pending application, which is the proper procedural avenue for determination of the question of stay of execution.

In the result, the Court makes the following orders:

1. The Preliminary Objection is hereby dismissed.

2. Prayer No. 1 of the Chamber Summons seeking an order to uplift the warrant of attachment issued on 29th April, 2026 in Labour Execution No. 9140 of 2026 is hereby **dismissed** for want of legal foundation, the relief sought not being supported by the provisions of sections 92 and 94 of the Employment and Labour Relations Act under which the application was instituted.

3. Prayer No. 2 of the chamber summons is hereby struck out as procedurally misconceived, the Applicant having already instituted Miscellaneous Application No. 11672 of 2026 seeking substantially the same relief arising from the same award and revision proceedings. Entertaining the present prayer would occasion duplication of proceedings and create the risk of inconsistent determinations.

4. For avoidance of doubt, the Applicant shall be at liberty to pursue Miscellaneous Application No. 11672 of 2026 in accordance with the law, and the merits of the prayer for stay of execution shall be determined in those proceedings.

5. Costs of this application shall be borne by each party respectively, the matter being a labour dispute.

It is so ordered.



K.N. ROBERT
JUDGE
10/7/2026