



**SAHARA MEDIA GROUP LIMITED v. ANATORY JOHN**

COURT OF APPEAL OF TANZANIA

AT MWANZA

(WAMBALI, MAIGE, and MGONYA, JJ.A.)

CIVIL APPEAL NO. 134 OF 2020

(Appeal from the ruling and order of the High Court of Tanzania at Mwanza, Rumanvika. J, dated the 28th day of August, 2019 in Revision Case No. 89 of 2018).

*Labour Law – Proceedings before the Commission for Mediation and Arbitration (CMA) – Whether an advocate can give evidence on behalf of client without taking oath - Rule 25 (1) of GN. No. 67 of 2007.*

The instant appeal is against the ruling and order of the High Court of Tanzania dated 28th August, 2019 in Revision No. 89 of 2018. In its decision, the High Court, which dismissed the appellant's application for revision, upheld the award issued by the Commission for Mediation and Arbitration (the CMA) in favor of the respondent except for payment of TZS. 1,105,000.00 monthly salary in lieu of notice which was set aside. Aggrieved by the decision, the appellant has preferred the present appeal on ground that the the CMA treated Advocate One Musiba as a principal officer of the appellant and received her evidence without being sworn. The Respondent agreed with the Appellant and urged the Court to nullify the proceedings and set aside the award together with the High Court's proceedings in Revision No. 89 of 2018 because they originated from nullity proceedings.

**Held:**

- (i) Evidence given without being taken under oath or affirmation is inadmissible in legal proceedings. Omission to do so vitiates proceedings.

Court invoked its Revisionary Powers, nullified proceedings of the High Court and that of the CMA



**Statutory provisions referred to:**

- (i) Appellate Jurisdiction Act Cap. 141 [R. E. 2019], under section 4 (2)
- (ii) Rule 25 (1) of GN. No. 67 of 2007

**Case referred:**

- (iii) Peter Jacob Weroma & Others v. AKO Group Limited (Civil Appeal No. 172 of 2021) [2023] TZCA 17295 (1 June 2023) [TanzLii],
- (iv) Catholic University of Health and Allied Sciences (CUHAS) v. Epiphania Mkunde Athanase, Civil Appeal No. 257 of 2020 [2020] TZCA 1890 (11 December 2020, TanzLii)

Mr. Boniphace Sariro, for the Appellant

Mr. Boniphace Sariro, holding brief for Mr. Innocent Michael for the Respondent