

REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA AT KISUMU

CAUSE NO. 206/2013

(BEFORE HON. JUSTICE HELLEN WASILWA ON 13TH FEBRUARY, 2014)

BENTA ADHIAMBO OCHORO

MATHEW KINYURU NDEGWA CLAIMANTS

-VERSUS-

CHARLES LUTTA KASAMANI

T/A KASAMANI & CO. ADVOCATES RESPONDENT

R U L I N G

The application in court is the one dated 4.11.2013 filed by the applicant claimants herein for orders that the defence filed herein by the respondent raises no triable issues, is frivolous and an abuse of the court process. They aver that the response is a mere denial and should therefore be struck out.

The respondent on his part contends that his defence raises triable issues among them the amounts payable to applicants if any and the ability of 2nd applicant to take up employment at respondent's firm given his inactive status with the Law Society of Kenya.

After hearing the parties suits, I find that the issues raised by respondents are triable and need to be proved. It cannot be assumed that they are obvious.

I find the application has no merit and I dismiss it and order that the case proceeds for full hearing.

HELLEN WASILWA

JUDGE

13/2/2014

Appearances:-

Ondego for claimants present

Kasamani for respondent present

CC. Wamache