



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI
CAUSE NO. 153 OF 2018

LINGOLN OTAKWA M'MELI.....
.....CLAIMANT

-VERSUS-

PEMWE SERVICES LIMITED.....
RESPONDENT

JUDGMENT

Introduction

1. By a Memorandum of Claim dated 12th February 2018 the Claimant sought Kshs. 400,851.30 made up of accrued employment benefits. The Respondent entered appearance on 22nd March 2018 and filed defence on 30th May 2018 denying the claim.
2. By a Notice of Motion dated 24th September 2018, the Claimant sought leave to amend his memorandum of claim to enhance

his claim to Kshs. 736,402.60 including a new claim for compensation for unfair termination equivalent to 12 months wages. The Motion was heard on 13th November 2018 by Ongaya Judge and the leave to amend the claim was granted as prayed.

3. The suit was then heard on 13th February 2019 before Radido Judge. However, by a Notice of Motion dated 15th February 2019, the Respondent applied for setting aside of the proceedings and on 12th March 2019, Radido Judge allowed the Motion and ordered the hearing to be done afresh.
4. Interestingly, the Claimant filed yet another Notice of Motion on 18th January 2022 seeking leave to withdraw the amended Memorandum of Claim dated 24th September 2018. The matter went before Onyango Judge on 14th February 2022 and Claimant told the Judge that he wanted to withdraw his amended claim and his request was granted. The “suit” was then fixed for hearing on 25th April 2022 before court No. 4.
5. The suit was never heard again and Respondent’s counsel was granted leave to cease acting for his client. The Respondent also stopped attending court.
6. On 9th December 2024, Omega & Associates came on record for the Claimant and obtained leave to serve the Respondent by substituted means. The Respondent never attended court

and on 2nd October 2025 the Claimant's counsel asked to prosecute the "suit" by written submissions on basis of the written statements and documentary evidence on record. I granted the request and the counsel filed submissions.

7. Having carefully perused the court record, it emerged that the suit had been fully withdrawn on 14th February 2022 when the Claimant withdrew his amended Memorandum of Claim. Consequently, I find and hold that there is no pending suit upon which I can render a judgment. The case is closed.

DATED, SIGNED AND DELIVERED VIRTUAL IN OPEN COURT AT NAIROBI THIS 30TH DAY OF OCTOBER, 2025.

**ONESMUS MAKAU
JUDGE**

Appearance:

Ochieng for the Claimant

No appearance for the Respondent