

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI
ELRC CAUSE NO. 154 OF 2018

KENYA SHOE AND LEATHER WORKERS UNION.....CLAIMANT

VERSUS

AZU'S LEATHER LIMITED.....
RESPONDENT

RULING

The Claimant filed application dated 18/6/2025 seeking to have the suit reinstated having been dismissed on 2/7/2024 for want of prosecution. On the day there was no appearance by either party.

Earlier on 9/9/2025, the court had noted and made an order that there was no evidence from the Claimant that the Claimant had served summons to enter appearance and defend the suit on the Respondent. On the day the suit had been set down for hearing by the Claimant and Mr. Julius Maina, union official had appeared for the Claimant but the Respondent was absent.

Subsequently, the Claimant/Applicant filed an affidavit of service dated 31/7/2024 on 2/8/2024, in which it is deposed by Julius Maina, that he had served notice of summons to enter appearance and statement of claim on the Respondent vide the email address of the Respondent and supplemented the service by serving the same documents on 29/7/2024

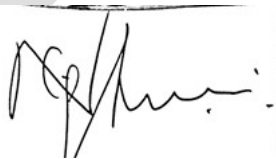
vide registered posting to the postal address of the Respondent at Ronald Ngala Post Office.

The Respondent filed a replying affidavit to this application dated 25/6/2025 seeking the suit not to be reinstated as the application is misconceived and an abuse of the court process.

Clearly, the Respondent has received the summons to enter appearance and the Statement of Claim. Accordingly, the suit is reinstated and the Respondent is directed to file a statement of defence to the suit within 21 days from the date of this ruling, failing which the suit be set down for formal proof in default of defence.

The final orders of the court are that, the suit is reinstated. The Respondent to file a statement of defence to the suit within 21 days from the date of this suit and in default, the matter to be set down for formal proof. Costs to abide the outcome of the suit.

Dated at Nairobi this **10th day of March 2026**



Mathews Nduma

JUDGE

Dated, signed and delivered in open court at Nairobi this 11th day of March 2026

J.W KELI

JUDGE

In presence of:

Julius Maina for Claimant

Wakiaga for Respondent

Mr. Kemboi – Court Assistant

ORIGINAL