



**Amondi v Mohamed & 10 others (Judicial Review E001 of 2025)
[2026] KEELRC 914 (KLR) (9 April 2026) (Ruling)**

Neutral citation: [2026] KEELRC 914 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA
JUDICIAL REVIEW E001 OF 2025**

**K OCHARO, J
APRIL 9, 2026**

BETWEEN

TOLUWALASE AMONDI APPLICANT

AND

TURUKI MOHAMED & 9 OTHERS 1ST RESPONDENT

JOSHUA NYARIKI AND & 9 OTHERS 2ND RESPONDENT

RULING

1. When this matter came up for directions on the hearing of the Applicant's Notice of Motion application herein on 24th February 2025, this Court directed;
 - a. That the Applicant ensures that the Application is served on all the Respondents and Interested parties.
 - b. The Applicant is to file and serve written submissions on the Application within 21 days of the above-stated date.
 - c. The Respondents and Interested parties to file and serve response submissions within 21 days of service of the Applicant's submissions.
 - d. The matter be mentioned on 8th May 2025, for checking on compliance and fixing the Notice of Motion application for judgment.
2. On 8th May 2025, the Applicant appeared in person, while Ms Nyaga appeared holding brief for Ms Wamithi for the 3rd, Mr Respondent, and Mr Ogutu for 1st, 2nd, 6th, 7th, 8th, 9th and 10th Respondents. The 4th and 5th Respondents, and the Interested parties were not present.
3. Ms Nyaga requested an additional seven days to file and serve a response to the Applicant's application. Mr Ogutu informed the Court that he had only managed to file grounds of opposition on behalf of



- the Respondents he represents, and he sought the Court's indulgence of seven days to file a reply. The Applicant opposed their applications, arguing that the Respondents had not provided any reason for their failure to comply with the Court's directions.
4. In the interest of justice, this Court allowed the Respondents more time to file and serve their respective responses to the Application, further directing the Applicant to file a further affidavit and or submissions, if a need arose.
 5. The Court further directed the Respondents to file and serve their response submissions within 14 days of service of the further affidavit and or further submissions by the Applicant.
 6. When the matter was called for compliance review on 26th June 2025, Counsel Nyaga, acting on behalf of Ms Wamithi, informed the Court that the 3rd Respondent had filed a preliminary objection and a replying affidavit against the Applicant's application. He urged the Court to first hear the preliminary objection.
 7. Mr Kibor, for the 1st Interested Party, and holding brief for Mr Ogutu, indicated to the Court that on the Interested Party's part, they did not desire to file any submissions. He, however, on behalf of Mr Ogutu, requested an additional 7 days to file his submissions.
 8. The Court directed full compliance by the parties by 6th July 2025 and scheduled the matter for further directions on 7th July 2025. When the matter was called, the Applicant stated that none of the Respondents had filed their submissions. In response to the issue raised by the Applicant, Counsel Nyaga stated that they had filed their submissions on 6th July 2025 but had not served them on the Applicant, and that they would serve them before the end of the day.
 9. Mr Simiyu, for the 5th Respondent, informed the Court that he had filed his replying affidavit dated 2nd July 2025 and response submissions.
 10. Owing to the contentions regarding the filing and service of submissions and replying affidavits, the Court directed that affidavits of service confirming their service be filed, and that thereafter the Court shall give directions on the compliance or otherwise of the earlier directions.
 11. On 13th October 2025, the Respondents indicated that they had filed affidavits of service confirming compliance with the Court's earlier directions. As the Applicant faced technical difficulties in participating in the virtual proceedings, the matter was rescheduled for further mention on 22nd October 2025. On 22nd October 2025, the Applicant argued that, based on the affidavits of service filed, the last submissions were made outside their timeframe. As such, the Respondents were in contempt of Court and should not be heard. It is on this application that the instant ruling is about.
 12. This Court has taken the time to present the detailed procedural history as it has outlined above to demonstrate how parties, through actions they could easily avoid if they genuinely focused on an expeditious disposal of a matter, could hinder such a disposal, to both their prejudice and that of the Court's time.
 13. The Applicant urges this Court to find that the Respondents are in contempt of the Court's directions and should not be heard. With great respect to the Applicant, who is unrepresented, I take the view that the application is a result of a lack of understanding of what contempt of court is, and how, if indeed it has been committed by the adversary party, the Court can be moved to punish for the same, punishment including barring the contemnor from being heard.
 14. If the Respondents or one of them indeed filed their submissions outside the specified time frame but had responded to the application, the effect would be that the Court either expunges the submissions from the record or condones them at its discretion, if justice requires.



15. As correctly noted by the Applicant, I observe that according to the affidavit of service filed by the 5th Respondent, his submissions and replying affidavit were served on 7th July 2025, which is a day after the designated deadline for service. The Respondent did not inform the Court that they [the submissions and replying affidavit] had been served in this manner, nor did they explain why they were served late, nor did they seek leave for out-of-time service.
16. Considering the numerous indulgences, the Respondents were granted as outlined in the detailed procedural history above, and the fact that the last directions given by this Court were inexplicably not followed, and since the Court's directions are never issued for ornamental purposes, the submissions and the replying affidavit by the 5th Respondent are hereby struck from the record.
The Court's judgment shall be made without them being taken into account.
17. Orders accordingly.

READ SIGNED AND DELIVERED THIS 9TH DAY OF APRIL 2026.

OCHARO KEBIRA

JUDGE

