



REPUBLIC OF KENYA



**KENYA LAW**  
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**Masika & 26 others v Crown Beverages Limited (Cause 694 of 2017)  
[2025] KEELRC 352 (KLR) (13 February 2025) (Ruling)**

Neutral citation: [2025] KEELRC 352 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 694 OF 2017  
L NDOLO, J  
FEBRUARY 13, 2025**

**BETWEEN**

**NIMROD MASIKA ..... 1<sup>ST</sup> CLAIMANT**  
**VINCENT BUSHA ..... 2<sup>ND</sup> CLAIMANT**  
**DENNIS RATEMO ..... 3<sup>RD</sup> CLAIMANT**  
**FRANCIS KABUI ..... 4<sup>TH</sup> CLAIMANT**  
**PATRICK KINGOO ..... 5<sup>TH</sup> CLAIMANT**  
**NAFTAL ORIASO ..... 6<sup>TH</sup> CLAIMANT**  
**PETER ORINA ..... 7<sup>TH</sup> CLAIMANT**  
**PAUL WAITHAKA ..... 8<sup>TH</sup> CLAIMANT**  
**SAMIU HASAN ..... 9<sup>TH</sup> CLAIMANT**  
**SAMWEL MWACHAKA ..... 10<sup>TH</sup> CLAIMANT**  
**JOHN GAKUO ..... 11<sup>TH</sup> CLAIMANT**  
**JOHN MURIUKI ..... 12<sup>TH</sup> CLAIMANT**  
**PASIRIO IRERI ..... 13<sup>TH</sup> CLAIMANT**  
**SIMON NDERITU ..... 14<sup>TH</sup> CLAIMANT**  
**STEWARD ONYURO ..... 15<sup>TH</sup> CLAIMANT**  
**JARED ONDARA ..... 16<sup>TH</sup> CLAIMANT**  
**CALVIN NYANAMBA ..... 17<sup>TH</sup> CLAIMANT**  
**GEOFFREY KADENGE ..... 18<sup>TH</sup> CLAIMANT**  
**ROBERT ATURA ..... 19<sup>TH</sup> CLAIMANT**



PATRICK INYANJE ..... 20<sup>TH</sup> CLAIMANT  
VINCENT MULWA ..... 21<sup>ST</sup> CLAIMANT  
PETER NGURU ..... 22<sup>ND</sup> CLAIMANT  
BONIFACE MUNAYO ..... 23<sup>RD</sup> CLAIMANT  
MAXWELL WANYIRI ..... 24<sup>TH</sup> CLAIMANT  
FREDRICK MUKHWANA ..... 25<sup>TH</sup> CLAIMANT  
PETER GITONGA ..... 26<sup>TH</sup> CLAIMANT  
KENNEDY MUSUNDI ..... 27<sup>TH</sup> CLAIMANT

AND

CROWN BEVERAGES LIMITED ..... RESPONDENT

### RULING

1. This ruling determines the Notice of Motion dated 21<sup>st</sup> November 2023, by which the Claimants seek leave to file their witness statement and consent to swear and testify, out of time.
2. The Motion is supported by an affidavit sworn by the Respondent's Counsel, Duncan Oketch and is founded on the following grounds:
  - a. That the main claim came up for hearing on 29<sup>th</sup> May 2023;
  - b. That the hearing could not proceed as there was no witness statement or consent to swear/ testify filed on behalf of the Claimants;
  - c. That the hearing was adjourned and the Court directed the Claimants to file the said documents within 14 days;
  - d. That Counsel with personal conduct of the matter was taken ill shortly thereafter and has been in and out of the office, sometimes for long periods of time;
  - e. That the Respondent shall not suffer any prejudice if the application is allowed as prayed.
3. The application is not opposed and despite the delay in prosecuting it, I find and hold that the ends of justice would best be served by allowing the Claimants' plea.
4. The further witness statement signed by the 12<sup>th</sup> Claimant, Geoffrey Kadenge, on 21<sup>st</sup> November 2023 and consent to swear and testify of even date are admitted as duly filed.
5. The costs of the application will be in the cause.
6. Orders accordingly.

**DELIVERED VIRTUALLY AT NAIROBI THIS 13<sup>TH</sup> DAY OF FEBRUARY 2025.**

**LINNET NDOLO**

**JUDGE**

Appearance



Mr. Okatch for the Claimants

No appearance for the Respondent

