



**Mauti v Hyperthink System Limited (Cause E635 of 2021)
[2025] KEELRC 676 (KLR) (6 March 2025) (Ruling)**

Neutral citation: [2025] KEELRC 676 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E635 OF 2021
S RADIDO, J
MARCH 6, 2025**

BETWEEN

ROBERT NYANDORO MAUTI CLAIMANT

AND

HYPERTHINK SYSTEM LIMITED RESPONDENT

RULING

1. For determination is a Motion dated 6 June 2024 by the Claimant seeking orders:
 - i. That the Honourable Court do grant this application for reinstatement of the above matter as the matter was dismissed due to non-attendance by the applicant’s counsel.
 - ii. That another hearing date be granted on a priority basis.
 - iii. That the costs of this application be in the cause.
2. The grounds in support of the Motion were that when the Cause was called out for hearing on 6 May 2023, the Claimant’s call to the virtual Court dropped due internet challenges and that it was in the interest of justice to reinstate the Cause.
3. When the Motion was placed before the Court on 13 November 2024, it directed the Claimant to serve the Respondent.
4. An affidavit of Service filed in Court on 15 January 2025 attested to service of the Motion upon the Respondent’s advocate through email mwambagitongaadvocates@gmail.com.
5. Despite the service, the Respondent did not respond to the Motion or attend the Court.
6. The Court has considered the record, Motion and affidavit in support.



7. The record indicates that the Cause was dismissed on 6 May 2024 because of the non-attendance of the Claimant's advocate who was present when the hearing date was fixed.
8. The record also show that the Claimant filed a Motion dated 6 May 2024 seeking an order reinstating the Cause.
9. When the Motion was placed before the Court ex-parte (differently constituted), the Motion was dismissed with no order on costs on 31 May 2024.
10. The Claimant has now brought a Motion seeking similar orders.
11. It is the view of this Court that it is not open to it to consider a similar application to one that had been dismissed, and not struck out, by a Court of concurrent jurisdiction.
12. The Court must admit with regret that the reason given for dismissing the initial Motion may have the consequence of chasing away the Claimant from the temple of justice at this level of the judicial hierarchy, but its hands are tied.

Orders

13. The Motion dated 6 June 2024 is declined with no order on costs.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 6TH DAY OF MARCH 2025.

Radido Stephen, MCI Arb

Judge

Appearances

For Claimant Mutonyi Mulama & Co. Advocates

For Respondent MGW Advocates LLP

Court Assistant Wangu

