



**Amalgamated Union of Kenya Metal Workers v Amazon Motors Limited
(Cause 2002 of 2014) [2025] KEELRC 1428 (KLR) (15 May 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1428 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 2002 OF 2014
CN BAARI, J
MAY 15, 2025**

**BETWEEN
AMALGAMATED UNION OF KENYA METAL WORKERS CLAIMANT
AND
AMAZON MOTORS LIMITED RESPONDENT**

RULING

1. For determination is a Motion application by the firm of S.N. NGARE & CO. ADVOCATES dated 18th September, 2020, seeking leave to come on record for the grievants in this matter, who currently are represented by the Claimant union.
2. The Claimant union opposed the motion vide a document dated 15th January, 2025 sworn by one Rose Omamo, the nature of which is not clear.
3. The Applicant's argue that judgment in the suit was rendered on 2nd March, 2018, but to date, the union has not taken steps to enforce the same on behalf of the grievants. It avers that it is out of the union's laxity that the grievants instructed the said firm to come on record instead of the union to pursue the enforcement of the judgment.
4. That the Applicant now seeks this court's leave pursuant to Order 9 Rule 9 of the [Civil Procedure Rules](#) to come on record on behalf of the grievants.
5. The Claimant union in opposition, argues that it is the Claimant in the matter and denies instructing the Applicant firm to come on record in the matter.
6. The Claimant Union asserts that it is competent enough to execute the decree in the matter as it has always done where there is need except, where there is interference from another entity as in this case.



7. The Claimant Union therefore prays that the Court denies S. N. Ngare & Company Advocates leave to come on record for execution of a decree whose litigation was conclusively and positively conducted by the Claimant Union.
8. Parties urged the motion by way of written submissions and which have been duly considered.

Determination.

9. The singular issue for determination is whether the Law firm of S. N. Ngare & Company Advocates should be granted leave to come on record for the grievants earlier represented by the Claimant.
10. The Claimant union is opposed to the motion on the premise that it has not instructed the said law firm to come on record in the matter and that they have already obtained judgment on behalf of the grievants.
11. To have instructed the Applicant law firm to come on record on their behalf, is confirmation that the grievants are not satisfied with the manner in which the union has handled their matter. The judgment in the matter was delivered on 2nd March, 2018, but as at today, more than 7 years later, the grievants have not ripped from their judgment, and which explains their frustrations and their decision to instruct the Applicant law firm.
12. It is not disputed that the union is actually the Claimant in the matter. The union would however have no case if the grievants did not instruct it to act for them as their members in the very first place. Further, the union has not disclosed whether execution of the judgment herein has commenced and if not, why it has to date not taken steps to execute the subject judgment.
13. In my view, although the grievants instructed the union to act for them in this matter, they have now reconsidered and withdrawn those instructions in favour of being represented by a law firm. It is also clear to court why the grievants reached that position after judgment was rendered in the matter.
14. It is my further view, that although the Claimant in the matter is actually the union, the grievants retain their right be represented and heard under *the Constitution*, and it would not be proper for this court to allow the union to hold them at ransom.
15. In view of the foregoing, and in the interest of substantive justice, I hold that the Applicant has satisfied court as to why it should be allowed to come on record post judgment on behalf of the grievants.
16. This application is therefore allowed, and an order made granting leave to the firm of S.N. NGARE & CO. ADVOCATES to come on record for the grievants.
17. I make no orders on costs.
18. It is ordered.

SIGNED, DATED AND DELIVERED BY VIDEO-LINK AND IN COURT AT NAIROBI THIS 15TH DAY OF MAY, 2025.

C. N. BAARI

JUDGE

