



**Kenya Concrete, Structural, Ceramic Tiles Wood Plys and Interior Design Workers Union v
Timsales Limited (Cause E350 of 2022) [2025] KEELRC 2265 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2265 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E350 OF 2022**

**L NDOLO, J
JULY 31, 2025**

BETWEEN

**KENYA CONCRETE, STRUCTURAL, CERAMIC TILES WOOD PLYS AND
INTERIOR DESIGN WORKERS UNION CLAIMANT**

AND

TIMSALES LIMITED RESPONDENT

RULING

1. On 22nd January 2025, the Court issued a notice to the parties, requiring them to appear before me on 10th March 2025, to show cause why this claim should not be dismissed for want of prosecution.
2. In response to the notice to show cause, the Claimant's Counsel, Roy Mwenesi filed an affidavit sworn on 7th March 2025.
3. Counsel depones that the sole Grievant in the claim passed away, leaving dependants who are indigent.
4. He adds that the dependants entitled to a grant of letters of administration ad litem were unable to raise the necessary fees but had since received assistance, and the necessary application has been lodged.
5. On behalf of the Respondent, an affidavit was sworn by its Human Resource Assistant, Solomon Macharia, on 24th March 2025.
6. Macharia narrates a chronology of court events at which the issue of substitution of the deceased Grievant had been raised. He accuses the Claimant of inordinate delay, pointing out that the period for substitution had since lapsed, and extension of time has not been sought.
7. I have considered the response filed on behalf of the Claimant and noting the reason given for the delay in substituting the Grievant, I will allow the Claimant a final opportunity to regularise its pleadings.



8. Once the letters of administration ad litem are received, the Claimant may move the Court for any required enlargement of time.
9. I make no order for costs.
10. Orders accordingly.

DELIVERED VIRTUALLY AT NAIROBI THIS 31ST DAY OF JULY 2025

LINNET NDOLO

JUDGE

Appearance:

Mr. Mwenesi for the Claimant

Mr. Muli for the Respondent

