



**Musega v Nairobi Water & Sewerage Co Ltd (Employment and Labour Relations  
Petition E234 of 2023) [2024] KEELRC 1671 (KLR) (27 June 2024) (Ruling)**

Neutral citation: [2024] KEELRC 1671 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
EMPLOYMENT AND LABOUR RELATIONS PETITION E234 OF 2023**

**MN NDUMA, J**

**JUNE 27, 2024**

**BETWEEN**

**LUCY WANJIKU MUSEGA ..... PETITIONER**

**AND**

**NAIROBI WATER & SEWERAGE CO LTD ..... RESPONDENT**

**RULING**

1. The applicant in the application dated 7/3/2024 prays for an order in the following terms: -
  - a. Spent
  - b. Spent
  - c. This honourable court be pleased to stay execution of the ex-parte ruling and order of 29/2/2024 pending hearing and determination of the petition dated 8/12/2023.
  - d. This honourable court be pleased to set aside in their entirety the ex-parte proceedings of 30/1/2024 and 15/2/2024 and the ruling and order of 29/2/2024.
  - e. This honourable court be pleased to grant leave to the respondent/applicant to file the necessary pleadings and be heard on the application and petition dated 8/12/2023.
  - f. The costs of this application be provided for
2. The gist of the application is that the respondent concealed material facts hence misled the court to make a ruling in which it issued ex-parte orders on 29/2/2024, in that the respondent/petitioner had already been dismissed from employment on 8/11/2023 before she filed this petition on 11/12/2023.
3. The application is not opposed, the respondent having failed to file a replying affidavit despite service of the application and hearing notice.



4. The application is therefore granted as prayed and the court makes the following orders:-
- a. The ex-parte proceedings of 30/1/2024 and 15/2/2024 and the ruling and order of 29/2/2024 are set aside.
  - b. The respondent/applicant is granted leave to file necessary pleadings and be heard on the application and petition dated 8/12/2023.
  - c. Costs in the cause.

**DATED AT NAIROBI THIS 27<sup>TH</sup> DAY OF JUNE, 2024**

**Mathews Nderi Nduma**

**JUDGE**

Appearance:

Mr. Nyambone Advocates for respondent/applicant

Mr. Kemboi, Court Assistant

