



Karanja & Waitindi t/a Mirugi Kariuki & Co Advocates v Kabue (Civil Appeal E009 of 2024) [2024] KEELRC 13318 (KLR) (3 December 2024) (Order)

Neutral citation: [2024] KEELRC 13318 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CIVIL APPEAL E009 OF 2024
AN MWAURE, J
DECEMBER 3, 2024**

BETWEEN

**LAWRENCE MACHARIA KARANJA & HARRISON KAHIGA WAITINDI T/A
MIRUGI KARIUKI & CO ADVOCATES APPELLANT**

AND

SAMUEL NJOROGE KABUE RESPONDENT

(Being an appeal from Orders made on 6th February, 2024 by Hon. P. Ndege (SRM) in Nakuru CM ELRC No. E160 of 2023 Samuel Njoroge Kabue V Lawrence Macharia Karanja & Another t/a Mirugi Kariuki & Co. Advocates) and pursuant to leave granted on the same appeal)

ORDER

1. The Ruling was delivered by this Honourable Court on 31st July 2024 and appellants were given 30 days to file their record of appeal and in default the stay proceedings were to lapse. Since then the same has not been filed and there is no evidence that the appellant has been diligent in following the proceedings in order to file the record of appeal.
2. Since court orders must be obeyed and complied with the court orders that as per the ruling dated 3rd July 2024 the stay of proceedings will now lapse.

The suit can proceed to its logic conclusion.

DATED, SIGNED AND DELIVERED VIRTUALLY IN NAKURU THIS 3RD DAY OF DECEMBER, 2024.

ANNA NGIBUINI MWAURE

JUDGE

ORDER



In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of the Constitution which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of Section 1B of the Procedure Act (Chapter 21 of the Laws of Kenya) which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

ANNA NGIBUINI MWAURE

JUDGE

