



**Kenya Shipping, Clearing Freight Logistics and Warehouses Workers Union
v Vegpro (K) Ltd VP Group (Employment and Labour Relations Cause
E1031 of 2021) [2023] KEELRC 3118 (KLR) (30 November 2023) (Ruling)**

Neutral citation: [2023] KEELRC 3118 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE E1031 OF 2021
AN MWAURE, J
NOVEMBER 30, 2023**

BETWEEN

**KENYA SHIPPING, CLEARING FREIGHT LOGISTICS AND WAREHOUSES
WORKERS UNION CLAIMANT**

AND

VEGPRO (K) LTD VP GROUP RESPONDENT

RULING

1. The respondent has not entered a response since 2021 when the claim was filed. Looking at the file however and in the CTS system we did not find an affidavit of service pertaining to the service of summons.
2. In the absence of the same the court will order as follows:
 - a. The claimant to serve the memorandum of claim within 10 days hereof and file an affidavit of service for court’s records.
 - b. The respondent to file their response and witness statements within 12 days failure of which the case will be certified as an undefended suit.
3. Mention on 18/12/2023 to confirm compliance and give a date for hearing.

**DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 30TH DAY OF
NOVEMBER, 2023.**

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

