



Wagereka v Nokia Solutions & Solutions Business Operations OY (Employment and Labour Relations Cause E2442 of 2017) [2023] KEELRC 3040 (KLR) (24 November 2023) (Ruling)

Neutral citation: [2023] KEELRC 3040 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE E2442 OF 2017
AN MWAURE, J
NOVEMBER 24, 2023**

BETWEEN

JOSEPH MBUGUA WAGEREKA CLAIMANT

AND

**NOKIA SOLUTIONS & SOLUTIONS BUSINESS OPERATIONS
OY RESPONDENT**

RULING

1. The claimant herein made an oral application after delivery of the ruling pertaining to the notice of motion 26th April 2023 seeking to substitute the claimant who is deceased.
2. The claimant now prayed to be allowed to proceed by way of written submissions (that was on 28th September 2023) since his only witness the claimant had since passed on.
3. The respondent was not present. The court will allow the parties to proceed by way of written submissions as allowed by section 21 of the *Employment and Labour Relations Court procedure) rules* which provides:

“The court may, either by an agreement by all parties, or on its own motion, proceed to determine a suit before it on the basis of pleadings, affidavits, documents filed and submissions made by the parties.

4. Therefore, the claimant is given 21 days to file their written submissions and upon service the respondent is also given 21 days to file their submissions. Mention will be on 12/2/2024 to confirm compliance and to give a date of judgment.

Orders accordingly.



DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 24TH 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

