



Munyao v Halar Industries Ltd (Employment and Labour Relations Cause E116 of 2022) [2023] KEELRC 3319 (KLR) (21 December 2023) (Ruling)

Neutral citation: [2023] KEELRC 3319 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE E116 OF 2022
AN MWAURE, J
DECEMBER 21, 2023**

BETWEEN

AGUSTUS MUNYAO CLAIMANT

AND

HALAR INDUSTRIES LTD RESPONDENT

RULING

1. The honourable court had indicated it would deliver a ruling on notice to show cause why the appeal herein should not be dismissed.
2. However, there seems to be some confusion in the file as indeed on October 11, 2023 the Court had already delivered a ruling dismissing/deferring the notice to show cause and had ordered the appellant to file their record of appeal within 30 days.
3. It is not clear if he filed the same and he had actually said he was unwell the last time the case was before the court.
4. He is given a further 45 days to file the record of appeal. Case will be mentioned on February 26, 2024 to confirm compliance and give further directions on the proceedings of the appeal.

Orders accordingly.

DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 21ST DAY OF DECEMBER, 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

