



**Lubeto v Mt. Kenya University (Cause E469 of 2020)  
[2022] KEELRC 3816 (KLR) (18 August 2022) (Ruling)**

Neutral citation: [2022] KEELRC 3816 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE E469 OF 2020  
AN MWAURE, J  
AUGUST 18, 2022**

**BETWEEN**

**JASPER ODHIAMBO LUBETO ..... CLAIMANT**

**AND**

**MT. KENYA UNIVERSITY ..... RESPONDENT**

**RULING**

1. The applicant filed his application dated 4/4/2022 praying for stay of execution of ruling dated and delivered on February 24, 2022 pending the hearing and determination of this application.
2. The applicant also prays for stay of execution of ruling dated and delivered on February 24, 2022 pending hearing and determination of this Application.
3. The Honourable court be pleased to issue further orders as it shall deem fit and just in the circumstances of this case and costs of the application be provided for.
4. On July 26, 2022 the respondents counsel however informed the honourable court that he had instructions to withdraw the application dated April 4, 2022. The claimant's counsel stated he had no objection to withdrawal of the application but stated he would seek costs.
5. Under the circumstances the court hereby gives leave to the respondent to withdraw the application dated April 4, 2020 and orders the costs to be awarded to the claimant.

**Orders accordingly.**

**Delivered, dated and signed in Nairobi this 18<sup>th</sup> August, 2022**

**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 March 15, 2020 and subsequent directions of April 21, 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 had 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 *Civil 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.

ANNA NGIBUINI MWAURE

JUDGE

