



Kenya National Union of Service Employers v Kamongo Waste Paper (K) Ltd & another (Cause E298 of 2021) [2022] KEELRC 3867 (KLR) (4 August 2022) (Ruling)

Neutral citation: [2022] KEELRC 3867 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E298 OF 2021
AN MWAURE, J
AUGUST 4, 2022**

BETWEEN
KENYA NATIONAL UNION OF SERVICE EMPLOYERS CLAIMANT
AND
KAMONGO WASTE PAPER (K) LTD 1ST RESPONDENT
RETIAL MANAGEMENT SOLUTIONS 2ND RESPONDENT

RULING

1. The respondents made an oral application on May 19, 2022 praying that the 1st and 2nd respondents be struck from the proceedings and be discharged therein. The court had made a ruling on May 19, 2022 and ordered the respondents to file their response to the memorandum of claim dated April 27, 2021 and the claimant to put a reply. The parties were then to proceed for hearing.
2. The respondents cannot just apply to be discharged from the proceedings orally and with no support for their application. They should if they so wish to be discharged then make a formal application and allow the claimant to respond if need be. The application seems to be mischievous and the court dismisses it and confirms the orders issued as per the ruling dated May 19, 2022 are applicable.
3. Orders accordingly.

DELIVERED, DATED AND SIGNED IN NAIROBI THIS 4TH DAY OF 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 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 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.

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

ANNA NGIBUINI MWAURE

JUDGE

