



**Oganga v Almasi Bottlers Limited (Cause E004 of 2022)  
[2022] KEELRC 3916 (KLR) (21 September 2022) (Ruling)**

Neutral citation: [2022] KEELRC 3916 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU  
CAUSE E004 OF 2022  
S RADIDO, J  
SEPTEMBER 21, 2022**

**BETWEEN**

**JOSHUA OGANGA ..... CLAIMANT**

**AND**

**ALMASI BOTTLERS LIMITED ..... RESPONDENT**

**RULING**

1. Joshua Oganga (the claimant) sued Almasi Bottlers Ltd (the respondent) on January 19, 2022, alleging unfair termination of employment, breach of contract and breach of statutory duty of care.
2. The memorandum of claim and notice of summons was served upon the respondent on February 1, 2022, but it did not file a response within the prescribed time, and on March 31, 2022, the court directed that the cause proceeds to formal proof on May 16, 2022.
3. The formal proof proceeded on the scheduled date, and the claimant testified. Despite the service of a hearing notice, the respondent did not attend the formal proof hearing.
4. When the court started preparing this judgment, it found a memorandum of response filed on April 5, 2022 (the response was not in the file during the hearing).
5. On June 20, 2022, the respondent purportedly filed a motion seeking orders to be allowed to defend (it is not on file).
6. The claimant filed grounds of opposition to the motion on July 1, 2022, and on July 29, 2022, the parties filed a consent allowing the motion on condition that the respondent paid the claimant's advocate Kshs 15,000/- as thrown away costs.
7. The court adopts the consent. Costs in the cause.



**DELIVERED THROUGH MICROSOFT TEAMS, DATED AND SIGNED IN KISUMU ON THIS  
21<sup>ST</sup> DAY OF SEPTEMBER 2022.**

**Radido Stephen, MCI Arb**

**Judge**

**Appearances**

**For Claimant Omondi, Abande & Co. Advocates**

**For Respondent Nyamurongi & Co. Advocates**

**Court Assistant Chrispo Aura**

