

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS COURT OF KENYA

AT NAIROBI

CAUSE NO. 567 OF 2016

HEZRON OJILO MUNG'AU.....CLAIMANT

VERSUS

BRINKS SECURITY SERVICES LIMITED.....RESPONDENT

RULING

1. The Claimant seeks to have matter closed and the case proceeds to submission. It is so as the Counsel for Claimant asserts the Cause was directed to proceed as undefended cause on 8th October 2018. He argues that having not filed a defence from the time suit was filed in 2016, it was incompetent for the case would proceed as undefended.

2. As the case was before Court on 8th October 2018, the 14 days were to lapse on 24th October 2018 since 10th October 2018 and 20th October 2018 were excluded in the reckoning of time being public holidays – one for service to humanity and the other being Mashujaa Day. As defence was filed within the statutory limits of the Court it is validly on record. The Preliminary Objection is overruled.

It is so ordered.

Dated and delivered at Nairobi this 20th day of January 2021

Nzioki wa Makau

JUDGE

I certify that this is

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