



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT & LABOUR RELATIONS**

**COURT OF KENYA AT NAIROBI**

**CAUSE NO. 514 OF 2018**

**GENEVIVE OYUGI.....CLAIMANT/RESPONDENT**

**VERSUS**

**DOEHLER EAST AFRICA LIMITED.....RESPONDENT/APPLICANT**

**RULING**

1. An application has been made seeking dismissal of the suit for want of prosecution. Respondent asserts the matter is prejudicial and continues to hang over its head needlessly as Claimant has failed to take step to prosecute it. Miss Kyania for the Respondent/Applicant thus urges the dismissal of the suit with costs.

2. On the part of the Claimant, the advocate responds that the Claimant has been keen to have the matter resolved expeditiously and that it is only directive of the Court barring the fixing of matters past 2016 that have impaired the fixing of a date. Miss Merichi points the Court to communications from the Court to this effect.

3. The Court having considered that the suit is of the 2018 vintage nevertheless is inclined to disallow the Motion for dismissal as the Claimant and Respondent were hamstrung by the directive of the Court not to file cases for 2018 and even 2017. In that regard the Claimant thus had no option but to wait till this is reversed. Thankfully we now have 9 newly appointed Judges to help clear the cases and give justice to Kenyans who have suffered delays as the parties herein. Granted my fellow Judges will start sitting within a week or so, I will allow the matter to be fixed for hearing on the next available hearing date which will be given after this Ruling is delivered. Application is thus disallowed with no order as to costs.

So ordered.

**DATED AND DELIVERED AT NAIROBI THIS 15TH DAY OF JULY 2021**

**Nzioki wa Makau**

**JUDGE**