



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT & LABOUR RELATIONS COURT OF KENYA**

**AT NAIROBI**

**CAUSE NO. E431 OF 2020**

**GEOFFREY OMBOKO OWUOR.....CLAIMANT**

**VERSUS**

**THE KENYA POWER & LIGHTING CO. LIMITED....RESPONDENT**

**RULING**

1. The Claimant/Applicant seeks through the notice of motion application dated 4<sup>th</sup> June 2021 for the reinstatement of the suit which was dismissed for non-attendance. The evidence adduced suggests that the error in failing to attend the hearing cannot be entirely attributable to the Claimant as even the Respondent was absent. There is no need to delve into the authorities cited or the arguments advanced. As the suit can be reinstated it is so reinstated with directions to issue on the next step – to wit – the hearing date for the matter. The motion shall have no order as to costs since the error in not attending is non-attributable to either party.

It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 22<sup>ND</sup> DAY OF SEPTEMBER, 2021**

**NZIOKI WA MAKAU**

**JUDGE**