



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**CAUSE NO. 1283 OF 2017**

***(Before Hon. Lady Justice Anna Ngibuini Mwaure)***

**LILIAN KAGEHA OMOKE AND OTHERS.....CLAIMANTS**

**VERSUS**

**STYLE INDUSTRIES LIMITED..... RESPONDENT**

**RULING**

The issue in question is admissibility of a bundle of documents filed by the Respondents advocates on 27<sup>th</sup> February, 2020 after the close of the proceedings. The same were filed without the leave of the court.

The court has observed this is an old case of 2017 and the parties have had ample time to file all their pleadings and documents. It is unfortunate the Respondent has filed his bundle of documents in 2020 long after they filed their response on 28<sup>th</sup> February, 2018. In that regard, the Respondent is duly admonished by the court.

Having said so and in the interests of justice the court will allow the Respondent's bundle of documents dated 27<sup>th</sup> February, 2020 as duly filed as provided in Section 14 (9) of the Employment and Labour Relations Rules which provide as follows'-

*Provided that after close of pleadings the court may allow filing of supplementary bundle of documents”.*

This behavior will however not be practiced in this court and any party that fails to put their pleadings and documents in time will be locked out at their inconvenience.

Case is referred to the Deputy Registrar on 23<sup>rd</sup> November, 2021 to take another hearing date.

**DELIVERED, DATED AND SIGNED IN NAIROBI 11TH DAY OF NOVEMBER, 2021.**

**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 15<sup>th</sup> March 2020 and subsequent directions of 21<sup>st</sup> 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 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**