

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT KISUMU

CAUSE NO. 11 OF 2019

(Before Hon. Justice Mathews N. Nduma)

NAQEEB IMTIAZ KARA.....CLAIMANT

VERSUS

MEDANTA AFRICARE LIMITED.....RESPONDENT

RULING

1. Application dated 6th February sought the Court to order the respondent to place security for costs and judgment in this matter. M/s Owuor for the respondent on 4/11/2019 told the Court that the respondent required 30 days to deposit security in terms of the application. The application is not opposed to date and the same is granted in terms of prayer 3 of the notice of motion.

2. Costs in the cause.

Ruling Dated, Signed and delivered at Nairobi this 11th day of June, 2020

Mathews N. Nduma

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 15th March 2020, this ruling has been delivered to the parties online with their consent. 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 18 of the Civil 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.

Mathews N. Nduma

Judge

Appearances

M/s Odinga for Claimant

M/s Owuor for Respondent

Chrispo – Court Clerk