



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**  
**AT NAIROBI**  
**CAUSE NO. 1763 OF 2011**

**BALDWIN NORMAN AUNDA**

**CLAIMANT**

v

**KENYA WILDLIFE SERVICE**

**RESPONDENT**

**RULING**

1. Baldwin Norman Aunda (Claimant) instituted these legal proceedings against Kenya Wildlife Service (Respondent) on 19 October 2011, and he alleged unfair termination of employment.
2. The Respondent filed a Memorandum of Reply on 22 March 2012.
3. On 30 January 2017, the Court issued a *Notice to Show Cause* to the Claimant to explain why the Suit should not be dismissed for want of prosecution.
4. The Claimant did not turn up and on 20 February 2017, the Court dismissed the Cause for want of prosecution.
5. On 25 May 2017, the Claimant moved the Court to review and/or set aside the dismissal order and the application was allowed on 16 November 2017 on condition that the Claimant sets down the Cause for hearing within 60 days.
6. The Court also issued a rider that in default, the Cause would stand dismissed.
7. The Claimant only moved the Court on 19 February 2018 to schedule a hearing date and hearing was fixed for 10 April 2018.
8. On the hearing date, the Claimant sought leave to amend the Statement of Claim and the Court ordered that an Amended Statement of Claim be filed and served on or before 4 May 2018. The order was not complied with.
9. When the Cause next came up on 20 July 2018, none of the parties was in attendance and the Court dismissed the Suit.
10. On 28 February 2020, the Respondent filed a Motion seeking an order dismissing the suit for want of prosecution.
11. Because the Cause had been dismissed on 20 July 2018, the Respondent's application was/is overtaken by events.
12. The Court also notes that the Claimant had instructed his advocate through a letter dated 17 October 2017 to withdraw the Cause. The advocate appears not to have acted on the instructions.
13. The Motion is marked as overtaken by events.

**Delivered through Microsoft teams, dated and signed in Nairobi on this 23<sup>rd</sup> day of October 2020.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimant Ongaro & Co. Advocates

For Respondent Ombonya & Co. Advocates

Court Assistant Lindsey