

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NYERI

SUIT NO. 271 OF 2017

ROSE NGII MWANZIA.....CLAIMANT/RESPONDENT

VERSUS

KENYA WATER INSTITUTE.....RESPONDENT/APPLICANT

RULING

1. The application before me seeks the setting aside of the order and decree of the court ensuing from the judgment of the court on 30th January 2019. The Respondent/Applicant asserts that the decision of the court was to the effect that the Respondent had not filed submissions. The Respondent asserts that it filed submissions on 15th November 2018. It argues therefore that the judgment of the court has an error apparent on the face of it and should be reviewed. The Claimant/Respondent is opposed and argues that if there were submissions filed herein, a copy would have been attached to the supporting affidavit filed along with the motion. The Claimant/Respondent thus urges the dismissal of the motion as being unmerited.

2. The motion is unmerited as there is no basis for the grant of the orders sought. The application was mounted on the premise there were submissions filed in November 2018. None were exhibited and therefore it lends credence to the finding of the court that none were on the file. As there is no basis to interfere with the decision of the court, the application is dismissed with costs to the Claimant/Respondent.

It is so ordered.

Dated and delivered at Nyeri this 9th day of April 2019

Nzioki wa Makau

JUDGE

I certify that this is a

true copy of the Original

Deputy Registrar