

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NYERI

CAUSE NO. 266 OF 2016

MOSES NYAGA NKAABU.....CLAIMANT

VERSUS

GULSAN INSAAT SAYAYITURZIM NAKLIYAT

VETICARET ANONIM SIRKETI CO. LTD.....RESPONDENT

RULING

1. The motion seeks to set aside on grounds that the Respondent was not served. The court record has notices served on the Advocate for the Respondent for the hearing on 10th December 2018. The Deputy Registrar of the Court keeps a register and the hearing notice is shown to have been dispatched to M/s Kiogora Mugambi & Co. Advocates of PO Box 614 - 60200 Meru. The notice was signed by the Deputy Registrar on 10th December 2018. It is therefore disingenuous for the Respondent's Counsel to state he was not served with the hearing notice by the Claimant's Advocate. Since hearing date was served by the Court and the Respondent chose not to attend the hearing the Respondent has to lie in the bed it made. I have no qualms dismissing the motion as being devoid of any merit. It is dismissed with costs to the Claimant/Respondent paving way for execution to commence.

It is so ordered.

Dated and delivered at Nyeri this 29th day of October 2019

Nzioki wa Makau

JUDGE