



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO. 2245 OF 2016

NOCODEMUS LUKANA.....CLAIMANT

v

COTES DU RHONE LTD.....1st RESPONDENT

PETER KIBOGO.....2nd RESPONDENT

RULING

1. For determination is an application dated 22 November 2017 by the Respondent seeking

1.

2. **THAT** this Honourable Court be pleased to grant the Respondents unconditional leave to file their defence out of time.

3. **THAT** the draft defence annexed to this application be deemed properly filed and served upon payment of the requisite Court fees or as the Court may order.

4. **THAT** the costs of this application be in the cause.

2. Although the application was served upon the Claimant, he did not file any grounds of opposition or replying affidavit to dispute the facts as set forth by the Respondent.

3. The Claimant made two attempts to get an adjournment when the application was called out for hearing.

4. The Court however declined the attempts by the Claimant to secure the adjournment.

5. Considering that the Cause has not been set down for hearing since it was filed, and that the Claimant did not file a replying affidavit or grounds of opposition, the Court will allow the application in the following terms

(i) Response, witness statements and documents to be relied on to be filed and served on or before 30 January 2018

(ii) Agreed Issues to be filed before 20 February 2018.

(iii) Costs in the Cause.

Delivered, dated and signed in Nairobi on this 26th day of January 2018.

Radido Stephen

Judge

Appearances

For Claimant

Mr. Jaoko instructed by Mithega & Kariuki Advocates

For Respondent Ms. Nihiga instructed by Muturi Mwangi & Associates

Court Assistant Lindsey