



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT BUNGOMA

CAUSE NO. 5 OF 2017

SAMUEL WANYONYI MABONGA1ST CLAIMANT
CHRISOSTIM MASAKHALIA MUKISU2ND CLAIMANT
THADDEAUS NABUCHEBA TYETYE3RD CLAIMANT
ANICET WAFULA T. WEKESA4TH CLAIMANT
ALISI NAFULA SIMIYU.....5TH CLAIMANT
JOSEPH SILEKA MUKHALISI6TH CLAIMANT
DAMIAN WATOKA LUBEMBE7TH CLAIMANT

VERSUS

THE HON. ATTORNEY GENERAL1ST RESPONDENT
THE PRINCIPAL SECRETARY, MINISTRY OF LAND,
HOUSING AND URBAN DEVELOPMENT.....2ND RESPONDENT

JUDGMENT

1. The claimants seek payment of a sum of Kshs. 327,600/- being sitting allowances due and owing to them as members of Kanduyi, Nalondo and Bumula Land Control Boards respectively as set out in paragraph 4 of the Memorandum of claim.
2. The Memorandum of claim and summons to enter appearance were served on the 1st Respondent on 30th March, 2017 but the Respondents have failed to enter appearance nor file a statement of defence.
3. **CW1 Anicet Wafula T. Wekesa** testified under oath in support of the particulars of claim. **CW1** adopted his witness statement and sought the court to similarly adopt, the statements of other claimants as their testimony in this suit and court adopts the witness statements accordingly.
4. The claim is undefended and the claimants have proved on a balance of probabilities that they were members of the respective Land Control Boards and were owed sitting allowances set out in prayer (b) of the Memorandum of claim.

5. **CW1** stated that the claimants were each paid Kshs. 15,000/- by the Respondent in part settlement of the debt.

6. Accordingly, the court enters judgment in favour of the claimants in the sum of Kshs. 327, 600/- less Kshs. 105,000/- partly paid by the Respondents during the pendency of the suit in the sum of Kshs. 222,000/-.

7. The amount is payable with interest at court rates from date of filing suit till payment in full.

8. The Respondent to pay the costs of the suit.

Dated at Bungoma this 26th day of January, 2018

HON. MATHEWS NDERI NDUMA , JUDGE

EMPLOYMENT AND LABOUR RELATIONS COURT

BUNGOMA.

In the presence of:-

Mr. Tsimonjero for claimants

Mr. Chrispo Aura – Court clerk.