



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**CAUSE NO. 202 OF 2011**

**Before Hon. Lady Justice Hellen S. Wasilwa on 22<sup>nd</sup> February 2018**

**MARTIN NDEGEYO MUGAYA .....CLAIMANT/APPLICANT**

**VERSUS**

**K-REP BANK LIMITED .....RESPONDENT**

**RULING**

**1.** The Application in Court is the one dated 22<sup>nd</sup> February 2017 and filed in Court on 21<sup>st</sup> February 2017. The Application was filed by the Applicant Claimant herein through a Notice of Motion filed under Section 1A and 3A of the Civil Procedure Act, Cap 21, Order 12 rules 3 and 7 and Order 51 rule 1 of the Civil Procedure Rules (2010) and all other enabling provisions of the law.

**2.** The Applicant seeks review of the orders made on 27<sup>th</sup> July 2011 by Hon. Justice James Rika dismissing this suit. The application sought to allow the firm of Iseo Nyakwara Associates and Company Advocates to come on record for the Claimant/Applicant.

**3.** The Applicant has averred that the failure to prosecute his case which led to its dismissal was occasioned by his Advocates who failed to inform him when the case was coming up and hearing on 27<sup>th</sup> July 2011 and also failed to attend Court. This case was dismissed on 27<sup>th</sup> July 2011 when the Applicant Claimant failed to attend Court. The Applicants have chosen to file an application for review after 6 years.

**4.** The application is filed by Counsel who are not properly on record and after an ordinally long time. I do not find any merit in this application and I dismiss it accordingly.

Read in open Court this **22<sup>nd</sup> day of February, 2018.**

**HON. LADY JUSTICE HELLEN WASILWA**

**JUDGE**

**In the presence of:**

Olao for Respondent – Present

Claimant – Absent