

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 707 OF 2013

ELIUD KINYUA TIRIBU.....CLAIMANT

VERSUS

MASTERMIND TOBACCO LTD.....RESPONDENT

RULING

1. The Claimant herein was led in examination in chief and partly cross examined on 13 October 2015. The hearing was adjourned to 10 November 2015 when the Respondent indicated it wanted to attempt an out of court settlement.
2. The Court gave the parties time to attempt the settlement but nothing came out of it and when hearing resumed on 14 November 2017, the Court *suo moto* directed that a document which was the subject of cross examination be taken to the Criminal Investigations Department to establish its authenticity (signature).
3. The directive by the Court stalled the proceedings up to now.
4. In the view of the Court that *suo moto* directive ought to be set aside as the adversarial nature of our system dictates a neutral adjudicative role for the Court.
5. The proceedings will therefore proceed on a date to be agreed on hereinafter.

Delivered, dated and signed in Nairobi on this 29th day of June 2018.

Radido Stephen

Judge

Appearances

For Claimant Namada & Co. Advocates

For Respondent Mbugwa, Atudo & Macharia Advocates

Court Assistant Stella