

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO. 2163 OF 2014

GRANTON MWASI MWAKIMA CLAIMANT

v

SEN-TECH LIMITED RESPONDENT

JUDGMENT

1. This is an undefended Cause. According to an affidavit of service filed in Court on 15 October 2015, the Respondent's secretary was served with Notice of Summons on 6 August 2015. No Response was filed.
2. When the Cause came up for hearing on 16 May 2018, the Claimant's advocate proposed that the Cause be determined on the basis of the record and submissions to be filed.
3. The Court cautioned the advocate on the risks associated with the approach he was proposing.
4. The Claimant filed his submissions on 21 June 2018 (should have been filed by 30 May 2018) and the Court has considered the pleadings and the submissions.
5. Pleadings remain just that and without proof by way of evidence or otherwise, it becomes difficult for a Court of law to make a favourable finding for a Claimant.
6. In this case, no witness statement(s) or affidavit(s) were filed to set forth the facts. The Claimant had even pleaded malice on the part of the Respondent.
7. The Court is therefore of the view that the Claimant failed to prove his case to the required standard.
8. The Cause is dismissed with no order as to costs.

Delivered, dated and signed in Nairobi on this 6th day of July 2018.

Radido Stephen

Judge

Appearances

Mr. Cheboi instructed by Mang'erere Bosire & Co. Advocates for Claimant

Respondent did not participate

Court Assistant Lindsey