

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NYERI

CAUSE NO. 42 OF 2016

KENYA UNION OF COMMERCIAL FOOD AND ALLIED WORKERS.....CLAIMANT

VERSUS

KIGETUINI FARMERS CO-OPERATIVE SOCIETY LIMITED.....RESPONDENT

RULING

1. The motion before court seeks redress for the Respondent in terms of a leave to appeal. The decision of court was rendered on 2nd December 2016. The Respondent/Applicant had Counsel. The Notice of Appeal was filed in January 2017. The filing of Notice of Appeal was late and no explanation has been given for the delay. Since then, the Respondent/Applicant did not pursue the intended Appeal and the court cannot extend time without any cogent reason.

2. The motion to grant leave to appeal out of time therefore fails. The motion is dismissed but with no order as to costs. Matter may proceed to taxation of costs on 3rd October 2018 as indicated for the main suit.

It is so ordered.

Dated and delivered at Nyeri this 24th day of September 2018

Nzioki wa Makau

JUDGE