



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU**

**CAUSE NO.245 OF 2013**

*(Before Hon. Justice Mathews N. Nduma)*

**JOSEPH MORARA OMOKE.....CLAIMANT**

**VERSUS**

**INVESCO ASSURANCE COMPANY LIMITED.....RESPONDENT**

**R U L I N G**

1. Hon. Maureen Onyango J. delivered a ruling on 2<sup>nd</sup> November, 2017 in which she held –

*“I therefore order that the Deputy Registrar ensures that proceedings are supplied to the Respondent within 30 days from the date of ruling and that the appeal be filed within 60 days failing which the decretal sum deposited may be released to the Claimant.”*

2. The Deputy Registrar released the decretal sum on 20<sup>th</sup> February, 2018. Sixty days expired on 2<sup>nd</sup> January, 2018 from the date of the ruling delivered on 2<sup>nd</sup> November, 2017.

3. The terms of the ruling by Hon. Maureen Onyango J. of filing the appeal within sixty (60) days were not complied with by the Respondent/Applicant.

4. The prayers sought in the application dated 7<sup>th</sup> June 2018, more than eight (8) months from the date of the ruling of the court lacks merit. The Respondent/Applicant slept on its right and is caught by the doctrine of laches. The application is dismissed with costs.

**Dated and Signed in Kisumu this 20<sup>th</sup> day of September, 2018**

**Mathews N. Nduma**

**Judge**

**Appearances**

Mr. Kevin Adego for Respondent/Applicant

Claimant/Respondent in person

Chrispo – Court Clerk