



**REPUBLIC OF KENYA**

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

**CAUSE NO. 1656 OF 2014**

**RICHARD OMBAYE MOTOGWA.....CLAIMANT**

**v**

**CATHOLIC RELIEF SERVICES (K) PROGRAM.....1<sup>st</sup> RESPONDENT**

**MUMBI KAHU (HRM).....2<sup>nd</sup> RESPONDENT**

**RULING**

1. When the Cause herein came up for hearing on 15 October 2018 during the service week, the Court in consideration of the absence of the Claimant and his advocate dismissed the Cause (the Respondents were present and indicated they were ready to proceed with the hearing).
2. The dismissal prompted Richard Motogwa (applicant) to move the Court on 6 November 2018, seeking to have the dismissal order set aside and the suit reinstated.
3. The primary reason advanced in support of the application was that the Registrar did not serve a hearing notice upon the applicant.
4. The Respondent opted not to oppose the application, but indicated that they were served with a hearing notice.
5. The Court has looked at the record and confirmed that there is no evidence on record that a hearing notice was served.
6. The Court will therefore allow the application dated 5 November 2018.

**Delivered, dated and signed in Nairobi on this 30<sup>th</sup> day of November 2018.**

**Radido Stephen**

**Judge**

**Appearances**

For applicant Mr. Babu instructed by Wilfred K. Babu & Co. Advocates

For Respondent Ms. Weru instructed by Iseme Kamau & Maema Advocates

Court Assistant Mamo