

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NYERI

CAUSE NO. 37 OF 2017

KUDHEIHA WORKERS.....CLAIMANT

VERSUS

B.O.M KIBIRIGWI HEALTH CENTER.....RESPONDENT

RULING

1. The Respondent seeks to set aside Judgment. It applies that the said Judgment be set aside as the Respondent was not accorded opportunity to defend itself. That cannot be further from the truth. Respondent had a buffet of Lawyers to select from and gave instructions to two Lawyers to appear. Consequent to appear once directions were taken and a hearing date set. The Respondent applies that they were prejudiced by the notice of the Registrar indicating the cases scheduled for hearing on the 5th of May 2018 would not be heard. The matter proceeded at Meru in absence of the Respondent who was duly served through the Hearing Notice dated 21st March 2018. The Respondent therefore failed to attend Court not because of the notice but because it disregarded the hearing duly served upon it. I do not discern any reason why the Judgment of the Court should be set aside as it was entered procedurally and after according the Respondent opportunity to present evidence which the Respondent declined to do.

2. The excuse that 2017 was an election year does not curry favour with Court as elections come and go but the wheels of justice grind. The Application is thus not merited and is dismissed with costs to the Claimant. Execution may proceed on the Judgment and Decree of the Court issued in July 2018.

It is so ordered.

Dated and delivered at Nyeri this 15th day of November 2018

Nzioki wa Makau

JUDGE