



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS

COURT AT NAIROBI

CAUSE NO. 1677 OF 2014

DONA MUSIMBI ELISHA.....CLAIMANT

v

MADAM ANNA.....RESPONDENT

RULING

1. On 19 April 2018, the Cause herein came up for hearing and because the Claimant and her advocate were absent, the Respondent's advocate applied to have it dismissed with costs, an application which the Court granted.
2. The dismissal prompted the Claimant to move Court on 13 July 2018 seeking orders
 1. The dismissal of the Claim on 19.4.2018 be reviewed and set aside.
 2. The Claim be set down for hearing forthwith.
 3. Costs be in the cause.
3. Although served with the application on 3 August 2018, the Respondent did not file any response in opposition, and the Court declined to grant it more time to file a response when the application came up for hearing on 23 October 2018.
4. The grounds advanced in support of the application were that the failure to attend Court for the hearing was not intentional as the advocate on record failed to diarise the hearing date, and that the parties were attempting out of court settlement but the negotiations had collapsed.
5. The Court has considered the grounds in support of the application, the supporting affidavit and oral submissions as well as the record and come to the conclusion that the Claimant be given one last chance.
6. The application dated 24 May 2018 is thus allowed.

Delivered, dated and signed in Nairobi on this 7th day of December 2018.

Radido Stephen

Judge

Appearances

For applicant Mr. Khalwale instructed by Khalwale & Co. Advocates

For Respondent A.I. Onyango & Co. Advocates

Court Assistant Lindsey