



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO 2033 'A' OF 2012

JACQUELINE KHASIALA BASIYE.....CLAIMANT

VERSUS

HAND IN HAND INTERNATIONAL.....RESPONDENT

RULING

1. The Respondent's application brought by Notice of Motion dated 4th October 2016 and filed in Court on 28th October 2016 seeks dismissal of the Claimant's claim for want of prosecution.
2. Pursuant to leave granted by the Court on 10th November 2016, the Claimant was served with the application by substituted service.
3. The application which is supported by the affidavit of Paul Ogunde, Advocate is based on the following grounds:
 - a) The last active proceedings in this matter were on 4th June 2013 when the matter was stood over generally;
 - b) For over two (2) years after the suit was stood over generally, the Claimant has failed to set the matter down for hearing;
 - c) It is evident that the Claimant is no longer interested in prosecuting her claim against the Respondent;
 - d) It amounts to denial of justice to let this matter hang over the Respondent's head in perpetuity.
4. A perusal of the court record confirms that since 4th June 2013 when the matter was stood over generally, the Claimant has not taken any steps towards setting down the matter for hearing. I therefore agree with Counsel for the Respondent that the Claimant appears to have lost interest in her claim against the Respondent.
5. Those who initiate court action must be vigilant to pursue their claims and those who have been sued should not be kept under the threat of litigation indefinitely.
6. In light of the foregoing, the Claimant's claim is dismissed with no order for costs.
7. It is so ordered.

DATED SIGNED AND DELIVERED IN OPEN COURT AT NAIROBI THIS 31ST DAY OF MARCH 2017

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JUDGE

Appearance:

No appearance for the Claimant

Mr. Owino for Respondent