



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**  
**CAUSE NO. 345 OF 2014**

**JUSTUS MUEKE MUTINDA                      CLAIMANT**

**V**

**PALM OIL TRANSPORTERS LTD    RESPONDENT**

**RULING**

1. This Cause was filed on 7 March 2014.
2. According to an affidavit of service filed in Court on 29 May 2014, service of Summons was effected on 14 March 2014.
3. On 9 July 2014, the Court consolidated this Cause with related Causes being Causes Nos 343 of 2014 and 342 of 2014.C
4. On 8 March 2017, the Deputy Registrar issued a hearing notice. The return date was 5 April 2017.
5. None of the parties appeared in Court when the Cause was called out on the return date.
6. Despite there being no evidence on record that the hearing notice was served upon the parties, there is equally no evidence on record that the Claimant served Notice of Summons and Memorandum of Claim upon the Respondent.
7. Considering the fact that there is no evidence that the Respondent was notified of the Cause and the time lapse, the Court orders that the Cause be dismissed with no order as to costs.

**Delivered, dated and signed in Nairobi on this 7<sup>th</sup> day of April 2017.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimant Charles Gomba & Co. Advocates

Respondent no papers on record

Court Assistant Nixon