

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO. 647 OF 2013

JOHN NYANGACHA ONDUKO

CLAIMANT

v

DORMANS COFFEE LIMITED

RESPONDENT

RULING

1. The Cause was filed on 9 May 2013 and a Response was filed on 23 May 2013.
2. The last action on the file was on 5 December 2015 when the Claimant's advocate on record informed the Court that they had been unable to trace the Claimant.
3. On 8 March 2017, the Deputy Registrar issued a hearing notice and when the Cause was initially called out, the Respondent, considering the absence of the Claimant and/or his legal representative applied to have the Cause dismissed for want of prosecution.
4. The Court scheduled ruling on the Respondent's application for 6 April 2017 but before the Court rose, the Claimant's Advocate appeared in Court and sought for more time to locate the Claimant.
5. It is clear that about 2 years have elapsed after the Claimant's advocate had given the same reason for not proceeding with the Cause and in the circumstances the Court is unable to concede to the application for more time.
6. The Court orders that the Cause be dismissed with no order as to costs.

Delivered, dated and signed in Nairobi on this 6th day of April 2017.

Radido Stephen

Judge

Appearances

For Claimant Mr. Webale instructed by Webale B & Associates Advocates

For Respondent Mr. Weru instructed by Obura Mbeche & Co. Advocates

Court Assistant Nixon