



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**CAUSE NO. 1894 OF 2013**

**NDIRANGU MWAURA.....CLAIMANT**

**VERSUS**

**ROYAL MEDIA SERVICES LTD.....RESPONDENT**

**RULING**

1. This Cause was filed on 26 November 2013 and a Response was filed on 4 February 2014.
2. The last time action was taken was on 20 April 2015 when directions were given.
3. On 8 March 2017, the Deputy Registrar issued a hearing notice for 4 April 2017. The notice was acknowledged by both parties.
4. When the Cause was called out initially, the Claimant was not present and Ms. Muhoro applied to have the Cause dismissed in the absence of the Claimant or his advocate.
5. The Court scheduled ruling for 6 April 2017 but after Ms Muhoro had left Mr. Murage for the Claimant appeared in Court and informed the Court that the Claimant had migrated to the United States of America 2 months ago and therefore he needed time to get in touch with him.
6. Mr. Murage did not explain why no attempt had been made for nearly 2 years when the Claimant was within jurisdiction of the Court to progress the Cause for hearing.
7. In view of the lack of diligence to progress the Cause, the Court orders the Cause dismissed with no order as to costs.

**Delivered, dated and signed in Nairobi on this 6<sup>th</sup> day of April 2017.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimant            Mr. Murage instructed by Mugambi & Kariuki Co. Advocates

For Respondent        Ms. Muhoro instructed by Kamau Kuria & Co. Advocates

Court Assistant        Nixon