



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**  
**CAUSE NO. 1953 OF 2013**

<b>STEPHEN OTIENDE OBAGA</b>	<b>1<sup>ST</sup> CLAIMANT</b>
<b>LEONARD KIMARU</b>	<b>2<sup>ND</sup> CLAIMANT</b>
<b>SAMUEL AYODO ODHIAMBO</b>	<b>3<sup>RD</sup> CLAIMANT</b>

**v**

<b>THE HON. ATTORNEY GENERAL</b>	<b>RESPONDENT</b>
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**RULING**

1. The Cause was filed on 5 December 2013. Accompanying the Cause was a motion under certificate of urgency seeking restraining orders against the Respondent from evicting the Claimants.
2. The restraining orders were granted *ex parte* on the same day with a return date of 18 December 2013. The Claimants were nevertheless evicted around 2 May 2014, while delivery of ruling was pending.
3. On 25 June 2014, the Claimants again moved Court under certificate of urgency seeking orders restraining eviction from their residential quarters. The orders were granted.
4. On 23 June 2015, the Court, at the request of the parties, allowed the parties time to attempt out of court settlement. The Response filed out of time was also admitted.
5. On 29 September 2015, the Respondent forwarded to the Claimants proposals for settlement of the dispute, but no agreement was reached and on 2 October 2015, the Court gave directions as to the filing and exchange of witness statements and documents within 14 days. Hearing was scheduled for 20 January 2016.
6. The hearing could not proceed as the Court was informed that the 3<sup>rd</sup> Claimant had died and it was necessary to substitute him with a legal representative.
7. On 8 March 2017, the Deputy Registrar issued a hearing notice for 4 April 2017, and when the Cause was called out for hearing, Mr. Owang brought to the attention of Court, a motion dated 23 March 2017 for substitution.
8. Mr. Kioko who appeared for the Respondent indicated that he was not opposed to the substitution.
9. In order to ensure that this 4 year Cause is determined expeditiously, the Court will therefore allow the motion dated 23 March 2017 and direct that

(a) an amended Memorandum of Claim, witness statements and documents to be relied on be filed and served on or before 30 April 2017.

(b) An amended Response, witness statements and documents to be relied on be filed and served on or before 30 May 2017.

(c) Agreed Issues be filed on or before 16 June 2017 and if the Issues are not agreed, Claimants to file and serve their proposed Issues on or before 30 June 2017.

10. The Cause be mentioned before the Deputy Registrar on 30 June 2017 to confirm compliance and to schedule a hearing date.

11. Should the Claimants fail to comply with the directives herein, the Cause shall stand dismissed.

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

**Radido Stephen**

**Judge**

**Appearances**

Claimants                      Mr. Owang instructed by Owang & Associates

Respondent                    Mr. Kioko, Litigation Counsel, Office of the Attorney General

Court Assistant              Nixon