



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**  
**CAUSE NO. 131 OF 2014**

**THOMAS LOTERE**

**CLAIMANT**

**v**

**CARNATION PLANTS LIMITED**

**RESPONDENT**

**RULING**

1. This Cause was filed on 5 September 2014.
2. The last time there was action in the file was on 24 November 2015 when the Claimant informed the Court that the Respondent had not entered an Appearance. The Cause was taken out of the hearing list.
3. However, there is no affidavit of service on record to prove service of Summons.
4. On 8 March 2017, the Deputy Registrar issued a hearing notice to the parties with a return date of 4 April 2017.
5. When the Cause was called out for hearing none of the parties were in Court.
6. Considering the time lapse of 2 years before taking any move to progress the Cause for hearing, lack of evidence of service of Summons and the failure by the Claimant to appear in Court on 4 April 2017, the Court orders that the Cause be 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            Njogu & Associate Advocates

For Respondent        no appearance

Court Assistant        Nixon