



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**CAUSE NO. 2081B OF 2012**

**JOHN OYUCHO..... 1<sup>ST</sup> CLAIMANT**

**ERASTUS WABOLINGA.....2<sup>ND</sup> CLAIMANT**

**CHARLES ONDIEKI.....3<sup>RD</sup> CLAIMANT**

**VERSUS**

**REGISTRAR OF TRADE UNIONS.....RESPONDENT**

**AND**

**KENYA UNION OF POST PRIMARY**

**EDUCATION TEACHERS.....INTERESTED PARTY**

**RULING**

1. This Cause was filed on 10<sup>th</sup> October 2012 and was accompanied with a motion under certificate of urgency.
2. On 13<sup>th</sup> May 2013, Mbaru J dismissed a preliminary objection by the Respondent and directed that the Cause proceed to hearing on the merits.
3. The last time the Cause was before Court was on 16<sup>th</sup> September 2014 when the Court directed that dates to be taken in the Registry.
4. There has been no action by the parties to progress the Cause for hearing and on 8<sup>th</sup> March 2017, the Deputy Registrar issued hearing notice to the parties. The Claimant's advocate acknowledged service on 16<sup>th</sup> March 2017.
5. When the Cause was called out for hearing on 3<sup>rd</sup> April 2017, Mr. Masese for the Respondent sought for the dismissal of the Cause for want of prosecution.
6. The Court dismisses the Cause due to non-appearance of the Claimant and/or their advocate with no order as to costs.

**Delivered, dated and signed in Nairobi on this 5<sup>th</sup> day of April 2017.**

**Radido Stephen**

**Judge**

**Representations**

For Claimant

Oduor Henry John & Co. Advocates

For Respondent

Mr. Masese instructed by Mariaria & Co. Advocates

Court Assistant

Nixon