



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT NAKURU
CAUSE NO. 286 OF 2014
VERONICA RUGURU WAMAITHA.....CLAIMANT

v

BOARD OF GOVERNORS,
BLESCO HOUSE GIRLS B SCHOOL.....RESPONDENT

RULING

1. For determination is a motion dated 7 April 2017 by the Respondent seeking
 1. **THAT** this Honourable Court be pleased to dismiss the suit with costs for want of prosecution.
 2. **THAT** in the alternative this Honourable Court be pleased to strike out this suit with costs on the ground that the Claim has abated.
 3. **THAT** the costs of this application be provided for.
2. According to an affidavit of service sworn by Kisilah Daniel Gor, Advocate, the motion was served upon the firm of Murimi, Ndumia, Mbago & Muchela Advocates on 21 June 2017, and the said firm acknowledged service.
3. When the application was called out for hearing on 21 June 2017, the Claimant was not present nor were her advocates on record in Court.
4. The Court, being satisfied that the application was served allowed the application to be prosecuted.
5. In essence, the motion is unopposed as the Claimant failed or neglected to file any grounds of opposition or replying affidavit to disclose what steps have been taken to get letters of administration.
6. The Court notes that Mr. Wekhomba had informed it on 10 March 2015 that the Claimant had died and that the Court granted liberty to file *amended Memorandum of Claim* once letters of administration had been granted.
7. In this respect, one of the grounds relied on by the Respondent was that the cause of action had abated.
8. It is correct that no action has been taken 2 years after the Court granted liberty to the Claimant through the advocates on record to progress the Cause for hearing and on that ground the Court will allow the

motion by the Respondent in terms of Order 2 as prayed.

Delivered, dated and signed in Nakuru on this 31st day of July 2017.

Radido Stephen

Judge

Appearances

For Claimant Murimi, Ndumia, Mbago & Muchela Advocates

For Respondent Mr. Kisilah instructed by Sheth & Wathigo, Advocates

Court Assistant Nixon/Martin