



**REPUBLIC OF KENYA**

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

**CAUSE NO. 758 OF 2014**

**DAVID DELEWA BARUA**

**1<sup>st</sup> CLAIMANT**

**MARY MUKAMI GICHERU**

**2<sup>nd</sup> CLAIMANT**

**v**

**GOOD BREAD KENYA LIMITED**

**RESPONDENT**

**RULING**

1. The Respondent filed a motion on 30 May 2017 seeking

1) **THAT** the firm of JACKSON OMWENGA & CO ADVOCATES be allowed and or leave be granted to cease acting for the respondent.

2) **THAT** the costs of this application be provided for.

2. When the application was placed before Court on 19 July 2017, the Respondent's advocate informed the Court that the application had not been served. The Court directed that the application be served upon all the parties and scheduled hearing for 9 October 2017.

3. However, on 9 October 2017, it turned out that the firm of advocates on record for the Respondent had not served the Claimant and the Respondent.

4. The explanation given was that the advocate who held brief on 19 July 2017 (Mr. Ombeta) had not correctly relayed the orders/directions given by the Court.

5. In the view of the Court, the advocate on record for the Respondent has not been diligent in serving the application as required by the practices and rules of Court.

6. The Court therefore orders that the motion dated 6 April 2017 be dismissed with costs to the Claimant.

**Delivered, dated and signed in Nakuru on this 13<sup>th</sup> day of October 2017.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimant Mr. Oumo instructed by Korongo & Co. Advocates

For Respondent Mr. Momanyi instructed by Jackson Omwenga & Co. Advocates

Court Assistants Nixon/Martin