



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU

CAUSE NO. 565 OF 2014

(Originally Nakuru Civil Case No. 2 of 2003)

PETER NJUGUNA MURIMA

CLAIMANT

v

POSTAL CORPORATION OF KENYA

RESPONDENT

RULING NO. 2

1. On 4 December 2015, the Court delivered a considered ruling in which it dismissed the Claim which the Claimant is attempting to resuscitate through the motion the subject of this ruling.
2. The motion seeks
 - a)
 - b) This Honourable Court be pleased to set aside its orders of 4/11/2015 dismissing the suit for non-attendances of Court by the Plaintiff on 23/11/2015 and instead reinstate the suit for hearing and determination on merit.
 - c)....
3. The Claimant has advanced three main reasons in support of his application. These are that his advocate used a postal address he had long stopped using to notify him of the hearing set for 23 November 2015, that he was on bed rest from 20 November 2015 to 27 November 2015, and that he had sold his mobile phone and thus he could not be reached.
4. The Respondent did not oppose the application at the submission stage though Mr. Osamba Otieno, Advocate had filed a replying affidavit in Court on 28 January 2016 vehemently opposing the motion.
5. The Court has considered the application and submissions by Mr. Kimatta as well as the replying affidavit aforesaid.
6. In the ruling dismissing the Cause, the Court set out the background surrounding the claim and the Claimant's disinterest in prosecuting the claim over the years.
7. The Court regrettably sees no demonstration by the Claimant why the Court ought to exercise its discretion in his favour, as the issue of lack of communication between him and his counsel has

