



**REPUBLIC OF KENYA**

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

**CAUSE NO. 565(N) OF 2011**

**AMALGAMATED UNION OF KENYA METAL**

**WORKERS**

**CLAIMANT**

**v**

**AQUVA AGENCIES LTD**

**RESPONDENT**

**RULING**

1. The Amalgamated Union of Kenya Metal Workers (Claimant) commenced legal proceedings Aquva Agencies Ltd (Respondent) on 14 April 2011 alleging refusal by the Respondent to deduct and remit union dues to it. The Claim was accompanied with a motion under certificate of urgency.
2. There is nothing on the record to suggest that the Claimant has taken any steps to have the Motion and/or Cause prosecuted from 2011.
3. As a way to deal with the backlog in the Court's Nairobi registry, the Deputy Registrar notified the public through online and newspaper notices of a service week running from 18 April 2016 to 22 April 2016.
4. Specific hearing notices were also sent to the litigants and or their Advocates.
5. When this Cause was called out for hearing, there was no appearance/representation for the parties.
6. The Court therefore orders that this Cause be dismissed for non-attendance and non-prosecution as no steps have been taken for over 5 years.

**Delivered, dated and signed in Nairobi this 20<sup>th</sup> day of April 2016.**

**Radido Stephen**

**Judge**

Court Assistant Nixon