

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO. 549 OF 2011

BENARD KIBET

CLAIMANT

v

BRYDGES CENTRE

1ST RESPONDENT

ROSEMARY EVE WAFULA

2ND RESPONDENT

RULING

1. Benard Kibet (Claimant) commenced legal proceedings against Brydges Centre and Rosemary Eve Wafula (Respondents) on 11 April 2011 alleging non-payment of redundancy benefits/outstanding wages and unlawful termination of employment.
2. A Response was filed on 11 October 2011. On the same day, a Notice of Change of Advocate was filed on behalf of the Respondents.
3. On 23 October 2012, hearing was adjourned as there was no evidence that a hearing notice had been served upon the Respondents
4. There is nothing on the record to suggest that the Claimant has taken any steps to have the Cause prosecuted from 2012.
5. 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.
6. Specific hearing notices were also sent to the litigants and or their Advocates.
7. When this Cause was called out for hearing, there was no appearance/representation for the parties.
8. 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 20th day of April 2016.

Radido Stephen

Judge

Court Assistant

Nixon