

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO. 511 OF 2011

MOMANYI BORAYA EVANS..... CLAIMANT

v

ONE WORLD COURIER LTD.....RESPONDENT

RULING

1. The Claimant commenced legal proceedings against the Respondent on 5 April 2011 alleging unfair termination of employment.
2. The Respondent filed a Response on 19 April 2011.
3. The Cause was last placed before Court on 29 November 2013 when the Claimant sought and was granted leave to amend the Claim.
4. There is nothing on the record to suggest that the Claimant filed and served an Amended Memorandum of Claim or has taken any steps to have the Cause prosecuted from 2014 when it sought a hearing date.
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 Claimant. Mr. Khayega for the Respondent therefore applied to have the Cause dismissed.
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