



**REPUBLIC OF KENYA**  
**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU**  
**CAUSE NO. 636 OF 2014**

**DALMAS ORORA OKEYA**

**CLAIMANT**

**v**

**ROY PARCELS SERVICES LIMITED**

**RESPONDENT**

**RULING**

1. The Respondent moved Court through a motion dated 18 October 2016 seeking that the instant Cause be dismissed for want of prosecution.
2. The Claimant filed a replying affidavit in opposition to the motion.
3. When the motion was called out for hearing Mr. Chege was present for the Claimant while Mr. Andama appeared for the Respondent.
4. Unfortunately when the Court finished going through the cause list, Mr. Chege was not in Court. There was no explanation as to his whereabouts.
5. The Cause was first placed before Court on 13 May 2015 for purposes of scheduling a hearing date, but because the diary for the year had been closed, it was stood over generally.
6. The next time the Cause came up was on 8 November 2016, when the Respondent fixed the dismissal application for hearing.
7. Considering the non availability of hearing dates in 2015, the Court is of the view that dismissing the Cause at this juncture would not be in the interest of justice.
8. And in order to prepare the Cause for hearing, the Court directs as follows
  - (i) Both parties to file witness statements and any further documents before 16 December 2016
  - (ii) Agreed Issues to be filed before 16 January 2017
  - (iii) Cause to be mentioned on 27 January 2017 to confirm compliance and schedule a hearing date.
9. Costs in the cause

**Delivered, dated and signed in Nakuru on this 2<sup>nd</sup> day of December 2016.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimant

Kamau Langat & Co. Advocates

For Respondent

Mr. Andama instructed by Kiplenge & Kurgat Advocates

Court Assistants

Nixon/Daisy