



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT AT NAIROBI
CAUSE NUMBER 69 OF 2012

PETER KIMILU1ST CLAIMANT

KENNEDY OGENDI.....2ND CLAIMANT

VERSUS

KENYA PETROLEUM OIL WORKERS UNION.....RESPONDENT

RULING

1. The Court has painstakingly reviewed and attempted to understand the nature and purport of the orders sought in the motion dated 16th September, 2014 without success.
2. My brother Justice Rika heard this suit and delivered a judgment on 17th May, 2013. The Respondent duly complied with the Court's Order and remitted the decretal sum within 30 days as directed by the Court.
3. In a strange twist of events the applicant herein misled the Court in issuing of warrants of attachment which culminated in an application dated 6th August, 2013 by the Respondent seeking a stay of execution and setting aside the said warrants of attachment.
4. Justice Rika in his ruling delivered on 31st March, 2014 did not have very kind words for the applicant herein whose actions the learned Judge found unsettling. The learned Judge was of the view that (I quote) ***“the applicant's actions were unacceptable and scintillated utter revulsion. They were a subversion of fair administration of justiceand contrary to law.”***
5. Here I am again confronted with an unintelligible application by the selfsame applicant requiring me as a Judge to make sense of and eventually make orders presumably sought therein.
6. Whereas as a Judge, I am required to exercise the patience of a cat especially in cases where litigants are unrepresented but that patience too has its limits and boundaries. It does not admit of a party hiding behind lack of legal representation to bombard the Court with frivolous applications.
7. I have seen the replying submissions together with authorities filed by Mr. Onyony for the Respondents. They look quite sound and I commend him for that but I will not consider them vis-

à-vis this application for to do so would amount to what one of my good friend once described as responding to a mosquito bite with a hammer. I say no more.

8. This application is declared frivolous and an abuse of the Court process and is hereby struck with costs to the Respondent which shall be paid by the applicant before any further applications in respect of this matter can be entertained from him.

9. It is so ordered.

Dated at Nairobi this 14th day of January 2015

Abuodha J. N.

Judge

Delivered this 14th day of January 2015

In the presence of:-

.....**for the Claimant and**

.....**for the Respondent.**

Abuodha J. N.

Judge