



**REPUBLIC OF KENYA**

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

**CAUSE NUMBER 492 OF 2013**

**SILVESTER ODUOR ONYANGO.....CLAIMANT**

**VERSUS**

**JOAN PACKAGING & ACCESSORIES LTD.....RESPONDENT**

**RULING**

1. I have considered the motion dated 28<sup>th</sup> October, 2014 and the grounds upon which it has been brought and I am reasonably persuaded that the same is merited and allow the same for the reason that if the matter was listed for hearing before the Deputy Registrar of the Court as demonstrated by the applicant, there is no way the same could have simultaneously been listed before me.
2. Counsel's absence before Court on the material day has been reasonably explained hence the ex-parte hearing that took place on 14/10/2014 is hereby set aside and the case shall start de novo on a date to be fixed at the Registry.
3. It is so ordered.

Dated at Nairobi this 13<sup>th</sup> day of February 2015

Abuodha J. N.

Judge

Delivered this 13<sup>th</sup> day of February 2015

**In the presence of:-**

.....for the Claimant and

.....for the Respondent.

Abuodha J. N.

Judge