



**REPUBLIC OF KENYA**

**EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**CAUSE NO. 2484 OF 2012**

**(Before Hon. Justice Hellen S. Wasilwa on 30<sup>th</sup> April, 2015)**

**BERNARD LEVOYWA.....CLAIMANT**

**VERSUS**

**SALINA TRANSPORTERS LIMITED.....RESPONDENT**

**JUDGMENT**

The Claimant herein Bernard Levoywa filed his claim on 11/12/2012 through the firm of Betty Rashid & Co. Advocates.

The Respondent later filed their response on 4/1/2013 through the firm of Gitonga Mureithi & Co. Advocates. The case then proceeded for hearing before Hon. Justice Ndolo who heard the case and delivered a judgment on 19/5/2014.

The Respondents later filed an application to set aside the exparte judgment. The Hon. Justice Ndolo allowed their application and vide a ruling delivered on 12/1/2014 set aside the exparte judgment subject to the Respondents paying 10,000/= thrown away costs.

This case was then set afresh for hearing on 24/3/2015 before this court. From the return of service on the file the Respondents were served on 14/1/2015. On the 24/3/2015, the Respondents again failed to attend court. That being the position this court adopted the evidence of Claimant as evidence in the matter. Since the Respondents have not made any additions to what was previously on record, I see no reason to upset my sister's judgment and I also adopt it as judgment of this court in the matter.

The Respondents will pay costs of this case.

Dated in open court this 30<sup>th</sup> day of April, 2015.

**HON. LADY JUSTICE HELLEN WASILWA**

**JUDGE**

**In the presence of:**

Betty Rashid for Claimant

No appearance for Respondent