

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NYERI

CAUSE NO. 145 OF 2014

**KENYA UNION OF COMMERCIAL FOOD AND ALLIED
WORKERS..... CLAIMANT**

VERSUS

NEW MUTHAMBI FARMERS

CO-OPERATIVE..... RESPONDENT

(Before Hon. Justice Byram Ongaya on Friday 5th June, 2015)

JUDGMENT

The claimant filed the memorandum of claim on 28.05.2014 on behalf of its members Njue M'anyiri and Njue Ileri.

The claimant prayed for judgment against the respondent for two main remedies thus:

1. The respondent to pay Njue M'anyiri Kshs.105,505.05 and Njue Ileri Kshs.72,653.20.
2. Costs of the suit.

The respondent was served with the summons and the memorandum of claim but did not enter appearance or file a defence. Despite service of the hearing notice, the respondent did not attend court at the hearing as scheduled. The claimants filed the final submissions. It is the claimant's case that the claim is with respect to its two members' terminal dues agreed between the parties, part of the terminal dues having been paid and the respondent having failed to pay the amount now claimed in the suit.

The court finds that the claimant has established the claim and is entitled to the prayers as made.

In conclusion judgment is entered for the claimant against the respondent for:

1. The respondent to pay Njue M'anyiri Kshs. 105, 505.05 and Njue Ileri Kshs.72,653.20 respectively by 01.07.2015 failing interest at court rates to be payable thereon from the date of this judgment till full payment.
2. The respondent to pay costs of the suit.

Signed, dated and delivered in court at Nyeri this Friday, 5th June, 2015.

BYRAM ONGAYA

JUDGE