

REPUBLIC OF KENYA
IN THE EMPLOYMENT & LABOUR RELATIONS
COURT AT MOMBASA
CAUSE NUMBER 369 OF 2015

BETWEEN

ANDREW MUSILA NZAI..... CLAIMANT

VERSUS

MEMON EDUCATION BOARD.....RESPONDENT

RULING

In the absence of the Claimant, who was served with both Application and Hearing Notice, the Court finds the Application dated 17th September 2015 is unchallenged.

The Affidavit filed by the Claimant on 23rd July 2015 is irregular as it seeks to respond to the Preliminary Objection, by way of adducing facts.

The Court agrees with the Respondent, that the Claimant should have restricted himself to his Pleadings.
IT IS ORDERED:-

1. *The Affidavit filed by the Claimant on 23rd July 2015 is struck out.*
2. *The Preliminary Objection be disposed of by way of Written Submissions.*
3. *The Respondent shall file and serve its Submissions within the next 14 days.*
4. *The Claimant to file and serve his Submissions within 14 days of service.*
5. *Mention on 3/12/2015.*
6. *This Order be extracted and served Upon the Claimant by the Respondent within 14 days.*

Dated and delivered at Mombasa this 14th day of October, 2015

James Rika

Judge