



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NYERI

CAUSE NO. 12 OF 2013 CONSOLIDATED WITH CAUSES 13 AND 14 BOTH OF 2013

PAULINE WAITHIRA MURAGURI..... 1ST CLAIMANT

JULIA WANJIKU GATHURA.....2ND CLAIMANT

FAITH NDUTA KIHWAGA.....3RD CLAIMANT

VERSUS

MURANG'A FARMERS CO-OPERATIVE UNION LTD

(FORMERLY KNOWN AS MUGAMA FARMERS CO-OPERATIVE UNIONLIMITED).....RESPONDENT

(Before Hon. Justice Byram Ongaya on Friday 6th November, 2015)

JUDGMENT

On 25.02.2015, by consent of the parties, partial judgment was entered for the claimants against the respondent as follows:

1. For 1st claimant the total claim was for Kshs. 749,811.50 and by consent judgment was entered for the 1st claimant for Kshs. 472, 087.76 and the balance of Kshs. 277,723.74 was to be subjected to further negotiation for a final settlement to be recorded at next mention on 16.04.2015.
2. For 2nd claimant the total claim was for Kshs. 372, 577.05 and by consent judgment was entered for the 2nd claimant for Kshs. 304, 909.51 and the balance of Kshs. 67, 667.54 was to be subjected to further negotiation for a final settlement to be recorded at next mention on 16.04.2015.
3. For 3rd claimant the total claim was for Kshs. 810, 517.00 and by consent judgment was entered for the 1st claimant for Kshs. 612, 083.74 and the balance of Kshs. 198, 433.26 was to be subjected to further negotiation for a final settlement to be recorded at next mention on 16.04.2015.

On 16.04.2015 the parties agreed to mention the case on 19.05.2015 at 9.00am to record a further consent.

On 19.05.2015 the parties reported to the court that there was no agreement and the claimant opted to file further documents and the case to be decided on the basis of the documents and pleadings on record without calling a witness.

In subsequent proceedings parties failed to agree on the further consent. On 25.09.2015, the court fixed the suit for mention on 28.10.2015 for directions on determination of the suit when the

respondent failed to attend court. The claimants had filed their submissions and the court set down the case for judgment.

The claimants' case is simple. They have submitted that during the negotiations they wrote to the respondent's counsel clearly setting out the computation and the justification of their claim. There was no response to rebut the claim or otherwise defeat it at all. In the circumstances they have submitted that they have established their respective cases and judgment should be entered for the full amount of money as set out in the partial judgment by parties as recorded in court.

The court finds that the parties were given sufficient time to negotiate in terms of the partial judgment by consent and as recorded on 25.02.2015. In absence of recorded rebuttal or opposition by the respondent to the claimant's computation, the court finds that the claimants are entitled to judgment as per their submissions on record.

In conclusion, final judgment is entered for the claimants against the respondent for:

1. The respondent to pay the 1st claimant the sum of Kshs. 749,811.50, the 2nd claimant a sum of Kshs. 372, 577.05, and the 3rd claimant a sum of Kshs. 810, 517.00 and to each by 1.01.2016 failing interest at court rates to be payable thereon from the date of this judgment till full payment.
2. The respondent to pay the claimants' costs of the suit.

Signed, dated and delivered in court at **Nyeri** this **Friday, 6th November, 2015.**

BYRAM ONGAYA

JUDGE