



**REPUBLIC OF KENYA**  
**IN THE INDUSTRIAL COURT AT NAIROBI**

**CAUSE NUMBER 746 OF 2011**

**BETWEEN**

**RUTH KEMUNTO OMWOYO .....**  
**CLAIMANT**

**VERSUS**

**EAST AFRICAN GROWERS**  
**.....RESPONDENT**

**RULING**

1. This is the ruling on the application filed by the Respondent on 24<sup>th</sup> February 2012, seeking to have the Award delivered on 9<sup>th</sup> February 2012 set aside. The Respondent alleges that it failed to attend Court on the hearing of the dispute, on the ground that the matter was not appearing on the Court's Cause List for 4<sup>th</sup> November 2011. Secondly it is alleged that in any event, the matter is *sub judice*, there being another Claim Number 746 of 2011 between the same parties, over the same dispute.

2. The Parties agreed to have the application disposed of based on their affidavits and submission. Upon careful perusal of these, and the entire Court record, the *Court finds and orders*-:

***[a] The application filed by the Respondent on 24<sup>th</sup> February 2012 has no merit and is hereby rejected.***

***[b] The Claimant is at liberty to execute.***

***[c] No order on the costs.***

Dated and delivered at Nairobi this 16<sup>th</sup> day of January 2014

James Rika

Judge