



**REPUBLIC OF KENYA**

**IN THE INDUSTRIAL COURT OF KENYA**

**CAUSE NO. 641 OF 2010**

KENYA UNION OF EMPLOYEES OF VOLUNTARY & CHARITABLE ORGANIZATIONS  
(KUEVACO).....CLAIMANT

VERSUS

DE LA RUE CURRENCY & SECURITY PRINT LIMITED.....RESPONDENT

**RULING**

The applicant herein filed an application dated 20<sup>th</sup> June 2013 for review of a ruling of this court delivered on 15<sup>th</sup> November 2012 on the grounds that:-

- a. There are mistakes or errors apparent on the face of the record.
- b. The Ruling requires clarification.
- c. There are sufficient reasons for review of the ruling.

The applicant filed the Memorandum of review on 5<sup>th</sup> April 2013.

The Claimant responded to the application for review by its memorandum dated 21st June 2013.

I have gone through both memorandums which are fairly detailed.

The applicants prayers are that the application for review be allowed, the ruling be set aside in its entirety and the case be fixed for substantive hearing. In my ruling dismissing the Respondent's preliminary objection I had made substantially the same order that the case proceeds to full hearing.

I find that the issues raised by both the Respondent in the application for review and response by the Claimant touch on issues that would be resolved if the case is heard substantively and parties given an opportunity to call evidence. Interlocutory applications unless raising issues that would result in injustice to the applicant, must be discouraged if the issues can be addressed at the hearing. This will reduce delay and result in substantive justice.

I therefore order that the issues raised in the application for review be raised in the substantive case during the hearing and/or in the final submissions.

For these reasons, I make no substantive findings on the application for review.

Parties are directed to fix the case for substantive hearing.

Read in open Court this 6<sup>th</sup> day of **May, 2014**

**HON. LADY JUSTICE MAUREEN ONYANGO**

**JUDGE**

In the presence of:

Ms. Waweru holding brief for Omondi for Respondent

Janitor Odin Otieno for Claimant