



**REPUBLIC OF KENYA**

**IN THE INDUSTRIAL COURT OF KENYA AT KISUMU**

**MISC. APPL NOS. 4 - 13 OF 2014**

(Before Hon. Justice Hellen S. Wasilwa on 30<sup>th</sup> July, 2014)

PETER DAN ORUKO & 9 OTHERS ..... CLAIMANTS

**-VERSUS-**

CHEMILIL SUGAR COMPANY LTD ..... RESPONDENTS

**RULING**

This ruling concerns several miscellaneous applications nos; 4/2014, 5/2014, 6/2014, 7/2014, 8/2014, 9/2014, 10/2014, 11/2014, 12/2014, and 13/2014. The applicants were all employees of the respondents herein. They have come to court seeking leave to file their claim out of time. The application was brought under certificate of urgency and filed through a notice of motion brought under S. 27 of the Limitation of Actions Act Cap 22 Laws of Kenya, and order 37 rule 7 of the Civil Procedure Rules 2010. Several affidavits have been filed by the applicants herein; Peter Dan Oruko, Maurice Othech Ochomo, Aloice Otieno Arum, Charles Onyango Ooro, Japheth Kwama Ogilo, Paul Odhiambo Orita, George Ochieng Onyango, Thomas Owino Omollo, Shem Onyango Ogwang, and Jackson Odhiambo Achola.

It is their contention that they were arrested sometimes in 2009 and charged in Nyando Criminal Cases No. 1321/2009 and 1320 of 2009. The applicants in case No. 5/2014, 7/2014, 8/2014 and 13/2014 were charged in Criminal Case No. 1321/2009 which ended on 22.2.2012. The 2nd group in Criminal Case No. 1320/2009 ended on 16.4.2013.

It is their contention that they could not have filed their case earlier due to the pending criminal cases. It is on the basis of these criminal proceedings that the claimants were terminated.

Considering the reasons adduced by the applicants for not filing this case within time expected and provisions of S.28 of Cap 22, I grant prayers sought to all applicants and grant them leave to file their causes out of time and in any case not more than 3 months from the date of this ruling.

**HELLEN WASILWA**

**JUDGE**

**30/7/2014**

**Appearances:-**

Ken Omollo for claimants present

N/A for Respondents

CC. Wamache