



**REPUBLIC OF KENYA**

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

**CAUSE NO. 229 of 2013**

(Before Hon. Justice Hellen Wasilwa on 15<sup>th</sup> July, 2014)

LAWRENCE ANGOLO OMUHAKA ..... CLAIMANT

**-VERSUS-**

MUMIAS SUGAR COMPANY LTD ..... RESPONDENTS

**RULING**

The application before court is the one dated 12.6.2014 filed by the claimant herein where they are asking court to grant them leave to further amend their statement of claim. It is their prayer that the amendment will enable them frame the issues more clearly and also incorporate new developments in relation to the applicant's status.

The respondents opposed this application and their main contention is that the claimant's case is a non starter because of it's speculative nature and an attempt to introduce another suit via back door to the detriment of the respondents herein.

Having considered the avernments of both parties, the fall back is Rule 14(6) of the Industrial Court Procedure Rules 2010 which states that:-

**“A party, may with the leave of the court amend pleadings, provided that where leave is granted to a party to amend any pleading, a responding party shall have a corresponding right to amend that party's pleadings”.**

In relying on this rule, I find that a party may seek leave to amend pleadings and the court may grant this leave for any reason so that justice is done.

In exercising my discretion, I allow this application and order that the claimant applicant do proceed and amend his claim within 14 days with a corresponding leave to respondents to file any reply 14 days after service. Costs in the cause.

**HELLEN WASILWA**

**JUDGE**

**15/7/2014**

**Appearances:-**

Ombito h/b Wesutsa for claimant present

S. M. Onyango for Respondents present

CC. Wamache