



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA AT NAIROBI

CAUSE NO. 2048 OF 2013

JOANES OWINO OKOTH (Secretary General).....1st CLAIMANT

SAMUEL MUNGUTI (National Treasurer).....2nd CLAIMANT

KENYA HOTELS AND ALLIED

WORKERS UNION.....3RD CLAIMANT

-VERSUS-

DAVID MULI & 16 OTHERS.....RESPONDENTS

Mr. Ongoto for the 1st 2nd and 3rd Claimants

Ms. Warui for the 1st and 2nd Respondents

RULING

Two applications dated 20th December, 2013 and another dated 20th February, 2014 are pending before court. Initially **Hon. Rika, J** had granted interim orders in the application dated 20th December, 2014.

On 20th March 2014, I declined to extend the interim orders granted by **Hon. Rika, J** noting that continued extension of the orders was in violation of the **Industrial Court (Procedure) Rules 2010 Rule 16 (8) (b)** which reads;

“an ex-parte order shall be granted once for a period of fourteen days and shall not be extended”

The court notes that the two applications, though different revolve around the same subject matter, being to establish the rightful holders of the official positions of the 3rd Claimant union and therefore determine who between the protagonists should transact the business of 3rd Claimant.

The application dated 20th February, 2014 requires the 2nd Claimant (Treasurer) to render accounts of the 3rd Claimant in respect of money received and paid out by the Union.

There are material disputes of fact that require resolution and in the court's view need to await the determination of the main suit herein. This will not only serve the interest of the parties herein but in my view will result in economical use of the court's time.

The dispute between the protagonists herein has been protracted and is not in the interest of the 3rd Claimant (Kenya Hotels & Allied Workers Union). The proliferated interlocutory applications will only compound this dispute.

Accordingly, the court dispenses with all pending interlocutory applications herein and direct the parties to prosecute the main suit herein being the memorandum of claim dated 20th December, 2013 and filed on the same date.

Dated and signed at Nairobi this 11th day of August, 2014.

MATHEWS N. NDUMA

PRINCIPAL JUDGE

Read and delivered in open court by this 11th day of August, 2014