



**REPUBLIC OF KENYA**

**IN THE INDUSTRIAL COURT AT NAIROBI**

**CAUSE NUMBER 225 OF 2014**

**BETWEEN**

**CAPTAIN (RTD) VICTOR WANJAU KANYUIRA.....CLAIMANT**

**VERSUS**

**KENYA KAZI SECURITY SERVICES.....RESPONDENT**

**RULING**

The Claimant filed an Application on 14<sup>th</sup> May 2014, seeking to amend his Statement of Claim. The Application is supported by the Affidavit of the Claimant Captain (retired) Victor Wanjau Kanyuira, sworn on 14<sup>th</sup> May 2014.

The Application is opposed, on the basis that the Claimant seeks to introduce a new cause of action; the amendments have no legal basis; and are not contemplated by the Employment Act 2007 and the Regulation of Wages (Protective Security Services) Order 1998.

The Advocates agreed to have the Application considered and determined, on the strength of their respective Client's factums.

The Court on its own motion, or on being moved by a Party, may call for, or allow the introduction of further details, where a pleading does not adequately set the details, under Rule 14(7) of the Industrial Court (Procedure) Rules 2010.

Rule 14 (6) allows a Party with the leave of the Court, to amend pleadings, provided the Counter-Party is granted corresponding leave.

Although the Claimant did not invoke any specific Rule in his Application, the Court is satisfied the Orders sought are discretionary. They can be made by the Court on its own motion, or an Application made by a Party.

The Respondent's opposition is based on grounds that should be raised in responding to the full Claim. They are part of a premature Statement of Response.

***IT IS ORDERED:***

- (a) The Claimant is granted 14 days to file and serve an Amended Statement of Claim.
- (b) The Respondent may file and serve an Amended Statement of Response within 14 days of service.
- (c) Parties to take a hearing date at the Registry once all the Amendments are on board.

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

James Rika

Judge