

KENYA / JUDGMENT

Ngugi v Joycot General Contractors & 3 others [2026] KEELRC 1129 (KLR)

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COURT

Employment and Labour Relations Court

CASE / FILE NUMBER

Cause E005 of 2026

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Ngugi v Joycot General Contractors & 3 others (Cause E005 of 2026) [2026] KEELRC 1129 (KLR) (30 April 2026) (Ruling) Neutral citation:

[2026] KEELRC 1129 (KLR) Republic of Kenya In the Employment and Labour Relations Court at Nakuru Cause E005 of 2026 J Rika, J April 30, 2026 Between Moses Ndung’U Ngugi Claimant and Joycot General Contractors 1st Respondent John Tuku Watuthu 2nd Respondent Joseph Ndiang’ui Watuthu 3rd Respondent Lucy Waithera Thuku 4th Respondent

Ruling

1.The Respondents seek to have the Claim dismissed preliminarily. 2.They filed a notice of preliminary objection dated 4th March 2026. 3.They submit that the Claim is defective, as it is not accompanied by documents, pursuant to Rule 7[3] and [4] of the E&LRC [Procedure] Rules, 2024. 4.They invoke also, Section 19 of the Civil Procedure Act, and Order 3 Rules 1 and 2, in support of the preliminary objection. 5.Parties agreed that the preliminary objection is considered and determined on the strength of their submissions, which they confirmed to have filed and exchanged at the last appearance before the Court on 10th March 2026. The Court Finds: - 6.Proceedings of this Court are primarily governed by the E&LRC [Procedure] Rules, 2024. 7.Section 19 of the Civil Procedure Act and Order 3 Rules 1 and 2, invoked by the Respondents in their preliminary objection are inapplicable to the Claim. 8.Rule 7 [3] [d] of the E&LRC [Procedure] Rules requires that the Statement of Claim is accompanied by a list and copies of documents relied upon, which shall be chronologically arranged, flagged and paginated. 9.The Court does not think however, that failure by a party to file documents as prescribed under Rule 7[3] [d], would result in a conclusion that the Claim is fatally defective, warranting dismissal as proposed by the Respondents. 10.Rule 38 of the E&LRC [Procedure] Rules, 2024, allows parties to file documents that were omitted at the time of filing the Claim. Parties are allowed to file supplementary documents after closure of pleadings, with the leave of the Court. 11.The preliminary objection is a procedural technicality, which should not be allowed to pre-empt a merit hearing. 12.It is noted that the Claimant, who acts in person, filed documents with the

Statement of Claim and his Interlocutory Application. It is likely that these are the same documents he intends to rely on in his Claim, and rejection of his Claim as proposed by the Respondents, would be a glaring miscarriage of justice. 13. In the interest of justice the Court shall decline the preliminary objection and order that: -a. The Claimant shall file and serve a list and copies of the documents relied upon, which shall be chronologically arranged, flagged and paginated, within 14 days of this ruling. b. The preliminary objection is declined, with no order on the costs. DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, THIS 30TH DAY OF APRIL 2026. JAMES RIKAJUDGE

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