

**THE INDUSTRIAL COURT OF UGANDA HOLDEN AT KAMPALA**

**LABOUR DISPUTE APPLICATION NUMBER: 051 OF 2016**

**(From original Labour dispute 176/2014)**

**(From original civil suit 135/2013)**

STANBICK BANK.....APPLICANT

VERSUS

NTALO MOHAMMED.....RESPONDENT

**RULING**

This application seeks an order of this court to dismiss labour dispute claim 176/2014 for non prosecution.

Briefly the facts are that civil suit 135/2013 was filed in the civil division of the High Court on 17/05/2013 and a defense was filed on 06/06/2013.

The file was eventually transferred to this court and registered as Labour Dispute Claim 176/2014. since the transfer the claimant has never pursued the matter.

Counsel for the applicant contended that disputes in this court should be expeditiously handled and that since no step has ever been taken with a view to prosecute the claim it should be dismissed for lack of prosecution.

The record reveals that both parties were represented in Court on 25/07/2016 when Ms Nasiima for the respondent sought an adjournment to enable her to file an affidavit in reply which adjournment was allowed to 25/07/2016.

On this date counsel for the respondent did not appear and neither had she filed any affidavit in reply. This court was, fortunately for counsel, not properly constituted and the matter was adjourned to 08/08/2016.

Again counsel for the respondent did not appear and neither did her client. Since the respondent had on his own volition locked himself outside the court proceedings on 25/07/2016, this court allowed the applicant to proceed exparte.

We agree with counsel that Labour disputes ought to be expeditiously resolved and in our view the fact that the respondent has never made any step towards prosecuting his case implies that he has lost interest in the case.

The fact that the respondent failed to file an affidavit in reply to this application even after being given an opportunity to do so, in our view, further demonstrates loss of interest in the claim before this Court.

We accordingly grant the application. Labour dispute claim 176/2014 stands dismissed for lack of prosecution with costs to the applicant.

SIGNED

1. Hon. Justice Ruhinda Asaph Ntengye Chief  
Judge.....

2. Lady Justice Linda Lillian Mugisha  
Tumusiime.....

PANNELLISTS

1. Mr. Ebyau Fidel.....

2. Mr. Anthony Wanyama.....

3. Mr. Michael Matovu.....

Dated the.....of.....2016