

THE INDUSTRIAL COURT OF UGANDA HOLDEN AT KAMAPAA

LABOUR DISPUTE APPLICATION NO: 042/2016

(Original Labour dispute 233/2014)

(Original civil suit 008/2011)

POST BANK (U) LTD.....APPLICANT

VERSUS

LYAMULEMYE.....RESPONDENT

RULING

This ruling arises out of the above mentioned application seeking a dismissal of Labour dispute claim 233/2014.

The brief facts of the application are that the respondent filed civil suit 008/2011 on 10/01/2011 and subsequently it was transferred to this court and registered as Labour dispute claim 233/2014.

The applicant filed this application on 13/05/2016. It was deponed by affidavit on record that on the five occasions that the matter was called in the Civil Division of the High Court the respondent appeared only once and ever since the file was transferred to this court neither counsel nor the respondent has ever taken any step necessary to prosecute the case.

After perusal of the file and listening to counsel for the applicant, we find that indeed this case has been in the court system since January 2011 without the respondent showing any eagerness to prosecute the same.

It is not far fetched therefore to conclude that the respondent has lost interest in the matter and that leaving it in the court system would only serve to clog it.

Accordingly we allow the application. Labour dispute 233/2014 stands dismissed for non prosecution with costs to the applicant.

SIGNED

1. Hon. Justice Ruhinda Asaph Nengye , 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