

THE REPUBLIC OF UGANDA
IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA
MISC. APPL. NO. 086 OF 2018
(ARISING FROM LABOUR DISPUTE CLAIM NO. 132/2014)

BARCLAYS BANK OF UGANDAAPPLICANT

VERSUS

MIRIAM OMONO.....RESPONDENT

BEFORE

1. Hon. Chief Judge Ruhinda Asaph Ntengye
2. Hon. Lady Justice Lillian Linda Tumusiime Mugisha

PANELISTS

1. Mr. Rwomushana Jack Reuben
2. Ms. Rose Gidongo
3. Mr. Beatrice Achiro

RULING

This is an application that seeks dismissal of labour claim 132/2014 for want of prosecution. It was brought under **Section 33 of the Judicature Act, Section 98 of Civil Procedure Act, Section 8(2) & 40 of the Labour Disputes (Arbitration and Settlement Act) 2006 and Order 17 rule 4 of the Civil Procedure Rules.**

The application is supported by an affidavit sworn by one David Semakula Mukiibi, an advocate of the High Court practicing with MMAKS Advocates, counsel for the applicant.

We have perused the Notice of motion together with the affidavit in support. It is our finding that indeed Labour Dispute Claim No.132/2014 was originally filed in the High Court on 8/4/2012 and in 2014 it was referred by the High court to this Court and since then, the claimant/plaintiff has not taken any step towards prosecuting the same.

In his submission Counsel for the applicant implored Court to strike out the claim for want of prosecution since it was one of the cases causing backlog.

Order XVII (17 rule 6) provides:

”6 Suit may be dismissed if no step taken for two years

(1) In any case, not otherwise provided for, in which no application is made or Step taken for a period of two years by either party with a view to proceeding with suit, the court may order the suit to be dismissed.

The claim having been filed in the High Court in 2012 and having been referred to this court in 2014, and the claimant having not taken any step with a view to proceeding with the same, we agree with Counsel that it is ripe for dismissal and it is so dismissed under **017rule 6 of the Civil Procedure Rules**. No order as to costs is made.

Delivered & signed by:

1. Hon. Chief Judge Ruhinda Asaph Ntengye

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2. Hon. Lady Justice Lillian Linda Tumusiime Mugisha

PANELISTS

1. Mr. Rwomushana Jack Reuben

2. Ms. Rose Gidongo

3. Mr. Beatrice Achiro Akeny

Dated: 30/04/2021