



EMPLOYMENT TRIBUNALS

Claimant: Mr M Thapa

Respondent: John Lewis Plc

JUDGMENT

The claimant's application to strike out the respondent's Response under Rule 37 ET Rules is refused.

REASONS

1. The basis of the application to strike out appears to be that the respondent has failed to comply with case management orders relating to disclosure and exchange of witness statements, which has disrupted the claimant's case preparation.
2. I note that the final hearing of this matter is not until August 2024. The claimant appears to recognise in his own application that "*a fair trial of the claim is very much possible*". Whether a fair trial of the claim is still possible would be a significant factor in any determination of whether to strike out for failure to comply with ET Rules or any Orders.
3. Even if there has been a failure to comply with the Rules or any Orders I am satisfied that the parties can get this matter back on track before the hearing next August. I therefore do not grant the application.

Employment Judge **Heath**

Date 8 November 2023

JUDGMENT SENT TO THE PARTIES ON

13 November 2023

FOR THE TRIBUNAL OFFICE

Note

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.