



**Gichuhi v Tropikal Brands (Africa) Ltd & another (Cause E226 of 2021)  
[2025] KEELRC 2797 (KLR) (16 October 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2797 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE E226 OF 2021  
CN BAARI, J  
OCTOBER 16, 2025**

**BETWEEN**

**PAULINE WAMBUI GICHUHI ..... CLAIMANT**

**AND**

**TROPIKAL BRANDS (AFRICA) LTD ..... 1<sup>ST</sup> RESPONDENT**

**DANONE NUTICIA AFRICA ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. Before Court is the 2<sup>nd</sup> Respondent’s motion application dated 12<sup>th</sup> June, 2025, seeking review of the orders of this Court issued on 30<sup>th</sup> April, 2025, by setting aside the ruling on the Claimant’s application of 1<sup>st</sup> March, 2024, and that a hearing date for the said application be fixed.
2. The Applicant/Respondent argues that there are mistakes and errors apparent on the face of the ruling to the extent that the court delivered a ruling on the Claimant’s application dated 1<sup>st</sup> March, 2024 which had not been heard.
3. It argues further, that the said application had been held in abeyance pending the hearing of the 2<sup>nd</sup> Respondent/Applicant’s application dated 22<sup>nd</sup> June, 2024, and that neither party had filed submissions in respect of the application of 1<sup>st</sup> March, 2024.
4. It avers that it intends to oppose the application since it seeks to introduce documents including audio recordings and transcripts of recordings which were made without the consent of the parties therein.
5. The Claimant/Respondent opposed the motion vide a replying affidavit sworn by Pauline Wambui Gichuki, the Claimant herein on 9<sup>th</sup> July, 2025. The Claimant argues that the court by consent authorized filing of documents and that the 2<sup>nd</sup> Respondent was properly represented.



6. She contends that the 2<sup>nd</sup> Respondent is only trying to re-litigate issues that were already dealt with and pray that the court dismisses the application.

### **Determination**

7. I have considered the Applicant/2<sup>nd</sup> Respondent's application, the replying affidavit in opposition and the oral submissions by both parties.
8. The Applicant seeks review of part of this court's ruling of 30<sup>th</sup> April, 2025 on the ground that the same bears an apparent error on the face of the ruling. The Court notes that it noted in the subject ruling that the motion dated 1<sup>st</sup> March, 2024 was not opposed by any of the Respondents. The record however indicates that this application had in fact been held in abeyance and was thus not the subject of that ruling, but only the application dated 22<sup>nd</sup> June, 2024.
9. Further, and contrary to the Claimant's assertion, the application dated 1<sup>st</sup> March, 2024 was not subject of the consent entered by parties on 22<sup>nd</sup> March, 2023, as it is apparent that the consent was entered one year before the subject motion was filed.
10. The court thus evidently rendered a ruling on the wrong application and which decision is hereby reviewed by the setting aside of paragraphs 14 and 28(a) of the ruling of 30<sup>th</sup> April, 2025.
11. The Claimant to proceed and have the motion of 1<sup>st</sup> March, 2024 fixed for hearing on priority basis.
12. Orders accordingly.

**SIGNED, DATED AND DELIVERED AT NAIROBI THIS 16<sup>TH</sup> DAY OF OCTOBER, 2025**

**C. N. BAARI**

**JUDGE**

Appearance:

N/A for the Claimant

Ms. Ithondeka present for the 1<sup>st</sup> Respondent

Mr. Andiwo present for the 2<sup>nd</sup> Respondent

Ms. Esther S - Court Assistant

