

REPUBLIC OF KENYA
IN THE EMPLOYMENT & LABOUR RELATIONS COURT
AT NAIROBI

ELRC PETITION NO. E173 OF 2024
(Before Hon. Lady Justice Hellen Wasilwa, J)

CUSTINE KIOKO.....PETITIONER/RESPONDENT **WANZA**

VS

TECHNICAL UNIVERSITY OF KENYA.....1ST
RESPONDENT

KENYA UNIVERSITIES STAFF UNION2ND
RESPONDENT

JUDGMENT

Petitioner's Case

- 1 By a Petition dated 6th September 2023, the Petitioner sought for the following orders:
- a. *A Declaration that the actions of the Respondents amount to infringement of the Petitioner's right and freedoms.*
 - b. *An Order compelling the 1st Respondent to remit all the amounts in arrears deducted from the Petitioners basic salary owing to the 2nd Respondent.*
 - c. *An Order compelling the 1st Respondent to remit all union dues owed to the 2nd Respondent*
 - d. *An Order compelling the 2nd Respondent to immediately issue and continue issuing notices of the*

meetings to the Petitioner as its National Vice Chairperson until the end of her term as the National Vice Chairperson.

- e. An order compelling the 2nd Respondent to pay the Petitioner all her allowances from the date of filing this suit.*
- f. Special damages of Kshs 792,320/= from the 2nd Respondent.*
- g. General damages.*
- h. Costs of the suit.*
- i. Any other relief that the court may find just to grant.*

Petitioner's Case

- 2 The Petitioner avers that she has been an employee of the 1st Respondent since the year 1996 currently working as Senior Library Assistant and she is member of the 2nd Respondent since 2013. She has held various official positions of the 2nd Respondent at the branch level since the year 2013 one of them being the Branch Secretary.
- 3 The Petitioner avers that she was elected as the 2nd Respondent's National Vice Chairperson for a 5 year term; since then, she has been carrying out her duties with diligence and competence as per the 2nd Respondent's Constitution.
- 4 She avers that following the Report by Committee on the Terms and Conditions of Service for the Employees of the

Kenya Universities Staff Union (KUSU) which was adopted on 8th January 2022 by the 2nd Respondent's National Governing Council, it was resolved that every governing official be entitled to monthly allowances and the Petitioner has been receiving Kshs. 35,720 since January 2022.

- 5 It is the Petitioner's case that as the 2nd Respondent's National Vice Chairperson, she is entitled to attend meetings and vote on any matter that call for votes during the meeting. Additionally, she is entitled to allowances for every meeting attended as follows: for every National Executive meeting Kshs. 55,000; and for every National Governing Council meeting Kshs. 69,000.
- 6 The Petitioner avers that the 1st Respondent deducts 2% of her basic salary on a monthly basis as union contribution but does not remit the same to the 2nd Respondent and has been falling in arrears for various months since 2015. This was in violation of her right to associate and attend meetings.
- 7 On several occasions the 2nd Respondent and its branch wrote to the 1st Respondent requesting and/or demanding it to remit the union dues to the 2nd Respondent.
- 8 The Petitioner avers that as the Branch Secretary, she wrote to the 2nd Respondent requesting for its officials to intervene on the issue of non-remittance of union

contributions vide letter dated 10th August 2015 and 6th May 2023.

- 9 The Petitioner avers that the 1st Respondent neglected, refused and/or declined to make good of the claim rather on 30th June 2023 wrote to the 2nd Respondent Branch undertaking to come up with a payment plan but has failed to do so.
- 10 The Petitioner avers that the 2nd Respondent sends out notification and/ or invitations to its officials and/ or members on scheduled meetings which usually take place on several occasions with regard to date, time and venue for them to purpose to attend. Pursuant to this, she received an invitation for a meeting scheduled on 8th March 2023 at Nakuru which she attended and received her allowances as usual.
- 11 It is the Petitioner's case that during the said meeting, it was decided that any official who is in arrears should not be attending meetings and as such, there have been eight National Executive meetings and two National Governing Council Meeting which were held and she has not been receiving any notification and/ or invitations to attend any of the meetings of the 2nd Respondent.
- 12 Additionally, she has not been receiving her monthly allowances from the 2nd Respondent for the past 6 months and as at 31st August 2023, the arrears were at Kshs. 214,320 yet she is still the National Vice Chairperson.

- 13 The Petitioner avers that on she wrote to the 2nd Respondent on 11th May 2023 through her Advocates demanding for an explanation as to why it has not been notifying her on the meetings to enable her attend and carry out her duties as the National Vice Chairperson but the same was never responded to.
- 14 She avers that on 12th June 2023 wrote to an appeal to the 2nd Respondent over its decision not to invite her for meetings but the same was never responded to and they continue to exclude her from the affairs of the union.
- 15 It is the Petitioner's case that Article 9.2(d) of the 2nd Respondent's Constitution and Recommendation 6.0 (9) of the Report by Committee on the Terms and Conditions of Service for the Employees of the Kenya Universities Staff Union (KUSU) stipulates that among the functions of the National responsibilities is to ensure collection of union dues from the Branches and Sub-Branched. However, the 2nd Respondent has made a decision to make this the Petitioner's duty while it is not.
- 16 The Petitioner avers that as a result of the Respondents' actions, she has suffered loss as follows; Kshs 55000 x 8 meeting Kshs 440,000; Kshs 69,000 x 2 Meeting Kshs 138,000; Kshs. 35,720 x 6 months Kshs. 214,320; Total Kshs 792,320.

- 17 It is the Petitioner's case that the 2nd Respondent violated her right to fair hearing by failure to issue a notice before failing to issue notices of the meetings held. Additionally, the 2nd Respondent's actions violated her right to income and fair administrative action.
- 18 The Petitioner avers that by an order of this Court, the Respondents were explicitly directed to reinstate me immediately, unconditionally, and with full entitlements, rights, privileges, and participation as National Vice Chairperson and Branch Chairperson, pending the final determination of this Petition.
- 19 She avers that since the said order, she has been permitted to attend certain branch-level meetings and activities, however, the Respondents' compliance at the national level has been purely cosmetic and nominal deliberately designed to give an illusion of compliance while actively denying me actual office, voice, and status at the centre of union affairs. Specifically, she has been wholly excluded from all national communication platforms, decision-making organs, executive committees, and event invitations. No communication, either formal or informal, has been received from the Respondents inviting or enabling me to participate at national level as would be my legal and constitutional right under the said order.
- 20 The Petitioner avers that in a most blatant show of impunity and discrimination, the Respondents failed to facilitate or invite her to the Annual Delegates Conference

of 29th August 2025 in Mombasa; an event which she is entitled by office, membership, and Court order to be present, represent my members, and exercise my unionist rights.

- 21 She avers that all the delegates of the Technical University of Kenya chapter, whose branch she chairs, were fully facilitated and their travel plans were set with the sole exception of myself. She contends that this exclusion is targeted, punitive, and calculated to undermine my legitimacy and the Court's authority.
- 22 The Petitioner avers that contrary to the union constitution and standard procedure, the Vice Chairperson of her branch has been irregularly added as a branch account signatory without due process or consultation, thereby undermining lawful governance.
- 23 It is the Petitioner's case that the Respondents' acts and omissions constitute a deliberate and escalating pattern of noncompliance, discrimination, and marginalization threatening not only her rights and legitimate expectations, but also the broader principle of respect for judicial authority and fair employment practices.
- 24 The Petitioner avers that she facilitated her travel to the to attend and participate at the Annual Delegates Conference as required by her office and as contemplated by the subsisting court order of reinstatement. Upon arrival at the conference venue in Mombasa, she was met

with a deliberate and hostile barricade the security guards at all main entry points. She was informed that they had express instructions from the 2nd Respondent not to allow her into the premises, and conspicuously displayed her photographs at the gates as a reference for denial. She was thus denied entry categorically and prevented from executing her official responsibilities as both National Vice Chairperson and Branch Chairperson.

25 The Petitioner avers that the Respondents' actions constitute a direct, wilful, and aggravated contempt of the specific and unconditional reinstatement order of this Court. This was further an act of discrimination, intimidation and exclusion calculated to render the Court order ineffectual and erode the Petitioner's authority, dignity, and status within the union.

26 The Petitioner avers that at her branch at the Technical University of Kenya, the Respondents continue to side line her and undermine her authority. The Vice Chairperson, Ms. Yucabed Gwaya, unlawfully and persistently continued to assume and execute her official duties as Branch Chairperson including representing the branch in official meetings and correspondence despite the Court's explicit orders reinstating me.

27 The Petitioner avers that the Respondent's actions have caused her irreparable personal, professional, and reputational harm, lost a critical opportunity to discharge her leadership duties, and she was subjected to acute

embarrassment and distress before her peers and members.

- 28 It is the Petitioner's submission that this pattern of disregard undermines both her rights and legitimate expectations as an office bearer, and openly subverts the authority of this Court within the union and the broader framework of fair employment relations.

Respondents' Case

- 29 In opposition to the petition, the Respondents filed a replying affidavit dated 26th October 2023, sworn by Dr. Charles Mukhwaya, the 2nd Respondent's Secretary General.
- 30 The 2nd Respondent avers that the Petitioner is its member, Vice Chairperson and the Branch Chairperson of the Technical University of Kenya.
- 31 It is the 2nd Respondent's case that the Petitioner has been involved in a myriad of indiscipline issues, including misappropriation of union funds, conflict of interest and abuse of office.
- 32 The 2nd Respondent avers that its the Report by the Committee on the Terms and Conditions of Service for the employers of the adopted-on 8th January 2022 resolved that every governing official will be entitled to a monthly allowance. It clarified that the said allowance is not a

salary per se, but a facilitative reimbursement on expenses such as transport and accommodation incurred by the 2nd Respondent's officials while on official engagements.

33 It avers that Article 13 (7) (i) of its Constitution, 2013 provides that its funds may be expended for among other purposes, the payment of reimbursements and expenses to the officers of the union.

34 It is the 2nd Respondent's case that there is no provision in its Constitution requiring payment of salaries and or allowances to its officials on a monthly basis.

35 The 2nd Respondent avers that the said reimbursement is not fixed but dependent on the nature of engagement involved as well as the number of days that an official is on duty. Thus, in the absence of any work done as is the case of the Petitioner, an official is not entitled to any reimbursement from the 2nd Respondent.

36 The 2nd Respondent avers that during its National Governing Council meeting held on 8th March 2023, the Council observed that several branches had defaulted payment of their union dues and therefore were in several months' arrears. On this premises, the Council gave directions that members of the National Governing Council from branches with more than 6 months arrears would not be invited to union functions or facilitated in any way.

37 The 2nd Respondent avers that the Petitioner's employer, the 1st Respondent is in arrears of over 13 weeks after defaulting in remittance of union dues to the National Office, which payments the union has demanded for on several occasions without success.

38 It is the 2nd Respondent's case that Article 20 of its Constitution provides for discipline of the members of the union as follows:

“(a) A member may be suspended or expelled from the Union as may be determined by the National Governing Council after recommendation by the National Executive Committee if she/he: (i) Fails within 14 days demand in writing by the Secretary General to pay subscriptions which are more than 13 weeks in arrears. (b) A member or official shall cease to be entitled to any of the benefits of membership including the right to vote and hold office if the subscriptions or other charges due by him to the union are more than thirteen weeks in arrears.”

39 The 2nd Respondent avers that pursuant to Article 20 of its Constitution and the directive of the National Governing Council of 8th March 2023, the National Office has temporarily precluded the Petitioner from engaging in any official union duties pending the payment of her union subscription fees.

- 40 The 2nd Respondent avers that its main source of finances is membership fees and subscriptions, which collective basket is then expended to all members, therefore, when members fail to pay their subscriptions, the union cannot expend funds which it does not have.
- 41 It is the 2nd Respondent's case that the said disciplinary measures applied by the National Governing Council are not discriminatory in nature as they apply not only to the Petitioner, but all members of the union that are involved in any manner of indiscipline or are in arrears of union fees, a fact well within the knowledge of the Petitioner. It further asserts that the National Governing Council has been lenient on the Petitioner as she has not been stripped off her office even when its Constitution requires so, in such circumstances.
- 42 The 2nd Respondent avers that the Petitioner has appealed the National Governing Council's decision to preclude her from any official duties, and the same has not been handled to any logical conclusion, therefore rendering the instant law suit premature.
- 43 It avers that the Petitioner has failed to demonstrate with the requisite precision, her constitutional rights which she alleges that the 2nd Respondent has violated.

Petitioner's Submissions

- 44 The Petitioner submitted on two issues: whether the respondents have violated the Petitioner's constitutional and statutory rights including the right to fair labour practices, equality, non-discrimination, fair administrative action, and freedom of association by persistently excluding her from union office, national and branch decision-making processes, and by failing to comply with subsisting court orders of reinstatement; and whether the continued actions and omissions of the Respondents, including side lining the Petitioner at both the national and branch levels (and the usurpation of her roles by the vice chairperson), amount to aggravated contempt of court warranting coercive, punitive, and compensatory reliefs as sought in the petition.
- 45 On the first issue, the Petitioner submitted that the Respondents' actions amount to grave ongoing violations of her constitutional and statutory rights and this court's record demonstrates a pattern of targeted exclusion, aggravated discrimination, and systematic defiance of lawful court orders.
- 46 She submitted that upon this court's explicit order of reinstatement, she expected to resume her full functions unconditionally at both the national and branch levels. However, the Respondents' compliance has been superficial and illusory: while she has attended a few branch-level meetings, at the national level she remains entirely blocked from union communication platforms,

executive committees, decision-making bodies, and official invitations. Furthermore, every legitimate attempt to secure compliance including repeated personal notifications and formal demand letters has been disregarded. She submitted that her exclusion from the central functions of leadership is both a repudiation of the Court's order and an affront to her position as a democratically-elected official.

- 47 It is the Petitioner's submission that the Respondents' conduct directly contravenes Article 41 of the Constitution, which guarantees every worker including a trade union leader the right to fair labour practices, to participate in union activities, and to join and be involved in the leadership of a union free from victimization or hindrance. The Respondent's action further violates Article 36 which guarantees the right to freedom of association, encompassing the right to participate fully in the affairs of any association or union.
- 48 The Petitioner submitted she is the sole national office-bearer subjected to deliberate side-lining her colleagues have been facilitated to attend and participate, while she alone is targeted for exclusion, both by the national office and her own branch. This was in violation of Article 27 of the Constitution, which guarantees equality before the law and freedom from discrimination.

- 49 It was submitted that the Respondents' action of refusing to provide her access to platforms, meetings, official functions, and written or reasoned decisions for such exclusion, amounts to unlawful, unreasonable, and procedurally unfair actions contrary to Article 47 of the Constitution which entitles her to fair administrative action. She cited **Judicial Service Commission v Mbalu Mutava & another [2015] eKLR** and submitted that the Court of Appeal therein confirmed that Article 47 sets a high standard for the conduct of all decision-making bodies, public or private, and that actions affecting protected rights must always meet constitutional tests of procedural fairness not arbitrary exclusion.
- 50 The Petitioner submitted that after filing an urgent application for facilitation, the 2nd Respondent not only declined to enable her participation, but took extreme measures to exclude her from the Annual Delegates Conference circulating her photograph to security personnel and barring entry despite court orders and at her own expense.
- 51 She further submitted that at the branch level, the Vice Chairperson, Ms. Yucabed Gwaya, continues to usurp and perform her official duties and is now even involved in financial operations, in flagrant disobedience of the express reinstatement order. Such systemic marginalization and public humiliation reflect conscious and retaliatory action by the Respondents, calculated to

undermine both the authority of this Court and the dignity of the Petitioner's office.

52 It is the Petitioner's submission that the Respondents' exclusion of the Petitioner from union office, meetings, decision-making forums, official communication, and both national and branch activities is a direct violation of her constitutional right to fair labour practice, freedom of association, equality and non-discrimination, and fair administrative action, and an aggravated contempt of this Court's orders. The result is not mere technical non-compliance, but structural and intentional suppression of the Petitioner's status as an elected official.

53 On the second issue, the Petitioner submitted that she has shown, through both contemporaneous communications and sworn testimony, that rather than take reasonable, good-faith steps towards full compliance of this Court's reinstatement order, the Respondents have actively and deliberately adopted measures designed to frustrate the authority of the Court, punish her for seeking redress, and render the Court's order nugatory in substance even while offering the pretense of partial compliance in form.

54 The Petitioner submitted that this aggravated contempt is evidenced by the calculated sidelining and her public humiliation at the national level. She was publicly barred from the Annual Delegates Conference despite obtaining and producing all travel and identification documentation and presenting herself in exercise of her rights as restored

by the Court. This was not an isolated event or a result of ambiguity: security personnel acted on written or direct instructions, supported by the circulation of her photograph to physically prevent her access. She submitted that these actions constitute willful contempt of the Court's binding decree.

55 The Petitioner submitted that at the branch level, she has been denied access to communication platforms, omitted from branch decisions, and replaced in signature and representational status, despite being the Court recognized lawful officeholder. This parallel administration at the branch is not only evidence of non-compliance, but also of intent to create a *fait accompli* against both the letter and spirit of this Court's orders. The Respondents have not just failed to facilitate the Petitioner; they have affirmatively entrenched her exclusion through their own agents and surrogates.

56 The Petitioner submitted that where a party, faced with an order of the court and repeated reminders, not only fails to comply but also institutes mechanisms to evade and subvert that order such as denying physical entry to meetings, publishing blacklists or photographs, and encouraging the usurpation of office by others aggravated contempt. The Respondents' conduct not only undermined the status of the Petitioner but, if left unpunished, would send a dangerous signal that court orders are open to negotiation and selective implementation.

57 The Petitioner submitted that the totality of the Respondents' actions and omissions constitute aggravated contempt of court, demand decisive judicial sanction, and further justify full compensatory reliefs, costs on an indemnity basis, and express restoration of all the Petitioner's legal entitlements as sought in the Petition. Anything less would not only perpetuate the injustice suffered by the Petitioner but would also diminish the credibility and protective power of this Court.

The 2nd Respondents' Submissions

58 The 2nd Respondent's submitted on three issues: whether the 2nd Respondent has infringed upon the Petitioner's Constitutional rights and freedoms; whether the Petitioner is entitled to the order of mandamus sought; and whether the Petitioner is entitled to damages.

59 On the first issue, the 2nd Respondent submitted that Article 24 of the Constitution provides that the Petitioner's rights may be subject to limitation in a free and democratic society; it therefore limited the said rights within the precincts of the constitution. It cited **University Academic Staff Union (UASU) v Attorney General & Chief of Staff & another [2018] eKLR** in which the learned Judge opined:

"Where one seeks to limit fundamental rights and freedoms in the Bill of Rights, he has a constitutional

duty to justify the limitation in the current constitutional dispensation. This is because fundamental rights and freedoms are sacrosanct and are to be enjoyed to the greatest extent because rights are for enjoyment and not curtailment. Any limitation must be by law, reasonable and justifiable."

60 The 2nd Respondent submitted that in compliance with the Second Schedule of the Labour Relations Act, it enacted Article 20 of its Constitution which excludes any member from benefits of the union, if they are more than 13 weeks in arrears of their monthly subscription fee. It is not in dispute that the 1st Respondent has failed to submit the sums deducted from the Petitioner's salary as her monthly subscription fee to the 2nd Respondent.

61 The 2nd Respondent submitted that the directive by its Governing Council on 8th March 2023 barring her participation, among all other officials who were more than 13 weeks in arrears of their union dues was an action informed by legislation and by the 2nd Respondent's own Constitution.

62 It was submitted that the Petitioner's contention that the directive was discriminatory cannot be sustained because it is trite law that not all differentiations are unconstitutional. The Supreme Court of Canada in the case of **Andrews v Law Society of British Columbia [1989] 1 S.C.R. 143** which the Petitioner has selectively quoted explained thus;

“It is not every distinction or differentiation in treatment at law which will transgress the equality guarantees of s.15 of the Charter. It is, of course, obvious that legislatures may -- and to govern effectively - must treat different individuals and groups in different ways. Indeed, such distinctions are one of the main preoccupations of legislatures. The classifying of individuals and groups, the making of different provisions respecting such groups, the application of different rules, regulations, requirements and qualifications to different persons is necessary for the governance of modern society. As noted above, for the accommodation of differences, which is the essence of true equality, it will frequently be necessary to make distinctions.”

The 2nd Respondent asserts that the differentiation of the Petitioner was in accordance with the rules of the union and necessary for the governance of the union.

63 It is the 2nd Respondent’s submission that its only source of revenue is the subscriptions by its members. It is therefore surprising that the Petitioner, who admits to have made no contribution to the collective basket (albeit this being the 1st Respondent’s fault), demands to reap where she did not sow.

64 It is the 2nd Respondent’s submission that the Petitioner’s exclusion from union affairs is not an infringement of her

rights and freedoms, but a limitation by law, which is reasonable and justifiable.

65 On the second issue, the 2nd Respondent submitted that the Petitioner's prayer to this Court that an order of mandamus do issue compelling the 2nd Respondent to involve her in the affairs of the union by inviting her to the National Governing Council and Executive meetings in her capacity as the Vice Chair of the Union is overtaken by events, since the Petitioner is no longer a member of the 2nd Respondent, or even an official as she then was.

66 The 2nd Respondent submitted that the threshold for issuing orders of mandamus was clearly set out by the Court of Appeal in **Kenya National Examination Council v Republic Ex Parte Geoffrey Gathenji Njoroge & 9 others [1997] eKLR:**

"The next issue we must deal with is this: What is the scope and efficacy of an Order of mandamus? Once again we turn to Halsbury's Law Of England, 4th Edition Volume 1 at page 111 from paragraph 89. That learned treatise says:- "The order of mandamus is of a most extensive remedial nature, and is, in form, a command issuing from the High Court of Justice, directed to any person, corporation or inferior tribunal, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty..... What do these

principles mean? They mean that an order of mandamus will compel the performance of a public duty which is imposed on a person or body of persons by a statute and where that person or body of persons has failed to perform the duty to the detriment of a party who has a legal right to expect the duty to be performed.”

67 I have examined all the evidence and submissions of the parties herein. The issues for his courts determination are as follows:

1. Whether the respondents have violated the petitioner’s rights under the constitution.

2. Whether the petitioner is entitled to the remedies sought.

ISSUE NO 1 Rights Of The Petitioner

68 The petitioner has averred that she has been denied her right to participate in the activities of the union for reason not her doing and her allowances withheld.

69 The 2nd respondents admit that petitioner is a union official under the 1st respondent but aver that the 1st respondent have failed to remit union dues to them and so they have no funds to pay the petitioner as her branch is not remitting any dues to the 2nd respondent.

70 The 2nd respondent have also averred that they made a resolution during their National Governing Council NGC

meeting on 8/3/2023 and they decided to stop inviting union officials to meetings whose branches were in arrears of 6 months and above.

71 They aver that 2nd respondent is in arrears of over 13 months hence the decision to bar the petitioner from attending the meeting.

72 Article 41 of the constitution states as follows:

41. (1) Every person has the right to fair labour practices.

(2) Every worker has the right—

(a) to fair remuneration; (

(b) to reasonable working conditions;

(c) to form, join or participate in the activities and programmes of a trade union; and

(d) to go on strike.

(3) Every employer has the right—

(e) to form and join an employers organisation; and

(f) to participate in the activities and programmes of an employers organisation.

(4) Every trade union and every employers' organisation has the right—

(a) to determine its own administration, programmes and activities;

(b) to organise; and

(c) to form and join a federation.

(5) Every trade union, employers' organisation and employer has the right to engage in collective bargaining.

73 Under this article and especially at article 41(4) every trade union has a right to determine its own administration, programmes and activities. My reading of this statement is that the trade unions determine how the unions are to be run. They determine how to collect their dues, when to meet, who to be in the meeting etc.

74 The 2nd respondent herein vide their meeting determined that if a branch is not remitting union dues, the officials of that branch should not attend the meeting. This decision in my view is a fair one given that the 2nd respondents meeting are funded by the branch remittances. The petitioner being a branch official, she has a duty to ensure remittances are made and if not then she cannot insist on being in meetings and being funded by the 1st respondent.

75 Her contention then that the 2nd respondent be compelled by this court to allow her attend meetings and also pay her allowances cannot stand and cannot be sanctioned by this court which would be seen to be an interference in the union's programmes.

The action by the 2nd respondent is therefore not a breach of the petitioners rights and cannot attract a compellable order from this court.

76 As concern's the 1st respondent, the issue of non remittances of union dues to the 2nd respondent is a matter which was not defended by the 1st respondent. The claim of union dues not being remitted remains

undefended. It is my finding that the 1st respondent is by law expected to remit the dues to the 2nd respondent. It is therefore ordered that the 1st respondent will hence forth remit all union dues not paid and continue to pay when due.

77 Costs of this petition be borne by the parties.

Dated, Signed and Delivered Virtually at Nairobi this 25th Day of November 2025.

**HELLEN WASILWA
JUDGE**