

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT  
AT NAIROBI**

**CAUSE NO. 1105 OF 2017**

**RODAH BARONGO ONCHIRI  
CLAIMANT**

**v**

**JANE BONARERI MAINA  
RESPONDENT**

**EMPLOYMENT AND LABOUR RELATIONS COURT  
JUDGMENT**

1. Rodah Barongo Onchiri (the Claimant) sued Jane Bonareri Maina (the Respondent) on 15 June 2017, and she stated the Issue in Dispute as:

Non-payment of her monthly salary from April 2012 to April 2015, and some loan money loaned to the Respondent by servant.

2. The remedies sought by the Claimant were:

- (i) Monthly salary from April 2012 to April 2016 Kshs 126,000/-
- (ii) Leave allowance & general damages Kshs xxxx.
- (iii) Cost of this claim.

(iv) Interest on the above claims at court rates.

3. The Respondent did not file a Response within the prescribed timeline, and on 16 June 2020, the Court directed the Claimant to take a date for formal proceedings from the registry.

4. When the Cause came up for formal proceedings on 16 November 2020, the Claimant sought and was granted leave to amend the Memorandum of Claim (there is no Amended Memorandum of Claim in the file).

5. When the Cause was mentioned on 29 June 2022, an advocate for the Respondent informed the Court that he had just come on record and filed a Response and documents (on 27 June 2022).

6. The Court directed the Respondent to serve the documents upon the Claimant.

7. After several false starts, the hearing commenced on 20 May 2024, when the Claimant and a witness

on her behalf testified before the hearing was adjourned.

8. On 26 February 2025, the Court directed that the hearing resumes on 21 May 2025.

9. When the Cause was called for hearing on 21 May 2025, the Respondent successfully sought an adjournment to 18 June 2025.

10. On 18 June 2025, the Respondent applied for another adjournment. The Court declined to grant the adjournment, and the reasons are on record. The Respondent thus closed her case without leading evidence.

11. The Court thereafter directed the parties to file and exchange submissions.

12. The Claimant's submissions were not on record by the agreed timeline of 18 July 2025. The Respondent's submissions were also not on record.

13. The Court has considered the pleadings and evidence.

## **Breach of contract**

### **Unpaid salaries**

14. The Claimant alleged breach of contract in that the Respondent employed her in April 2012 as a house help at a monthly salary of Kshs 3,500/-, and that as part of an agreement to help the Claimant save, the Respondent kept part of the salary amounting to Kshs 126,000/- as savings.

15. The Claimant testified that despite demand, the Respondent had declined to release the savings to her.

16. The Respondent did not rebut the Claimant's evidence, and the Court finds that she proved this head of the claim on a balance of probabilities.

### **Leave allowance**

17. The Claimant did not lay an evidential basis for this head of the claim, and relief is declined.

### **General damages**

18. The Claimant pleaded to be awarded general damages, but did not plead with clarity the tort for

which general damages were sought. The filed witness statement, which was adopted as part of the evidence, also did not lay a case for general damages, and relief is declined.

### **Unfair termination of employment**

19. The Claimant did not present a case for unfair termination of employment nor lay a basis as expected by section 47(5) of the Employment Act, 2007.

### **Conclusion and Orders**

20. The Court finds the Respondent in breach of contract and awards the Claimant Kshs 126,000/-.
21. The other heads of claim are unmerited, and relief is declined.
22. The Claimant did not file submissions within the agreed timelines, and she is denied costs and interest.

**Delivered virtually, dated and signed in Nairobi on this 27<sup>th</sup> day of November 2025.**

**Radido Stephen, MCI Arb**  
**Judge**

**Appearances**

For Claimant Omenta & Co.

Advocates

For Respondent D.O. Onkangi & Co.

Court Assistant

Advocates

Maina/Wangu

**EMPLOYMENT AND LABOUR RELATIONS COURT**



**NAIROBI**