



Guo v Beijing Zhongji Integrated Housing Technology Co Ltd & 2 others (Cause E328 of 2023) [2025] KEELRC 3553 (KLR) (11 December 2025) (Ruling)

Neutral citation: [2025] KEELRC 3553 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E328 OF 2023
S RADIDO, J
DECEMBER 11, 2025**

BETWEEN

JUO GUO CLAIMANT

AND

**BEIJING ZHONGJI INTEGRATED HOUSING TECHNOLOGY CO
LTD 1ST RESPONDENT
JINGU KENYA INVESTMENT LTD 2ND RESPONDENT
KENYA (CHN) HOKING REAL ESTATE CO LTD 3RD RESPONDENT**

RULING

1. For determination is a Motion dated 28 October 2025 by Kenya (CHN) Hokingreal Estate Co Ltd (the applicant) seeking orders:
 - i. ...
 - ii. That this Honourable Court be pleased to find and hold that the continued inclusion of the 3rd Respondent in this matter amounts to misjoinder of parties and an abuse of the court process.
 - iii. That the name of the 3rd Respondent be struck out from the pleadings and proceedings herein, the Amended Memorandum of Claim dated 5th August 2025 having not disclosed any reasonable cause of action against it.
 - iv. That the costs of this application be borne by the Claimant.
2. The grounds advanced in support of the Motion were that the Amended Memorandum of Claim had not been served upon the applicant; there was no employer–employee relationship between the applicant and the Claimant; the Cause did not disclose any legal obligations between the applicant and Claimant, and that the applicant was improperly joined to the proceedings.



3. The Court gave directions on the Motion on 30 October 2025.
4. The Claimant filed a replying affidavit opposing the Motion on 13 November 2025. The Claimant deponed in the affidavit that the Motion was frivolous, misconceived and incompetent because it was supported by an affidavit contrary to the provisions of Order 2 Rule 15(1) and (2) of the Civil Procedure Rules as read with *Olympic Escort International Co. Ltd & 2 Ors v Parminder Singh Sandhu & Ar 2009*) eKLR; the applicant was served with the Amended Memorandum of Claim on 5 August 2025 through email; the applicant had not served the Court's directions on the Motion under consideration; the Respondents were all affiliated; the question of an employment relationship was one of mixed law and fact, and that the applicant was a necessary party to the Cause.
5. The Claimant filed his submissions on the same day.
6. The 1st and 2nd Respondents filed joint submissions on 14 November 2025. They urged in the submissions that the Amended Memorandum of Claim did not disclose a reasonable cause of action against the applicant.
7. They also submitted that the joinder of the applicant was improper and not procedural. Case law was cited.
8. The Court has considered the Motion, affidavits and submissions.
9. The applicant was directed to serve the Motion and submissions on or before 6 November 2025. There is nothing on record to show that the order was fully complied with.
10. The applicant was introduced into the proceedings after the Court had granted leave to the Claimant to amend the Memorandum of Claim.
11. In paragraph 6 of the Amended Memorandum of Claim, the Claimant pleaded that he worked for both the 2nd Respondent and the applicant in Kenya.
12. Further, in paragraph 14 of the Amended Memorandum of Claim, the Claimant alleged that it is the applicant who paid his salary arrears after he raised concerns with the Respondents.
13. The Amended Claim raises issues of fact and law on the relationship between the applicant, the other 2 Respondents and the Claimant, which require interrogation.
14. For example, why was the applicant paying the Claimant's salary arrears? Or why did the contract in place require the Claimant to provide services to the applicant and the 2nd Respondent in Kenya?
15. The answers to these and other questions can only be established after a hearing on the merits, where evidence will be presented and interrogated.
16. The Court finds that the applicant is a proper and necessary party to the proceedings and that if at the end of the trial the action against it is found without merit, it may be compensated by way of costs.
17. The Cause had been progressed and a hearing fixed for 17 February 2026.
18. The Respondents have, through a plethora of applications, sought the Court to intervene on various fronts. It is time that the Cause was heard and determined on the merits.
19. The Court directs the applicant to note the directions issued on 7 October 2025.



Orders

20. In light of the above, the Court orders that the Motion dated 28 October 2025 be dismissed with costs to the Claimant.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 11TH DAY OF DECEMBER 2025.

RADIDO STEPHEN, MCI Arb

JUDGE

Appearances

For Claimant CM Advocates LLP

For 1st and 2nd Respondents C. Mputhia Advocates

For 3rd Respondent John Mburu & Co. Advocates

Court Assistant Wangu

