



REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT KISUMU

CAUSE NO. E028 OF 2025

NASHON O. MINDO.....

.....**CLAIMANT**

VERSUS

KENDU ADVENTIST HOSPITAL.....

.....**RESPONDENT**

RULING

1. There is objection to the document at page 73 of the Respondent's bundle being the exhibit marked 9(b). Miss Obware for the Claimant asserts she would like an original copy. It is her submission that the document should not be produced as evidence before me.

2. In reply, Mr. Nyangweso for the Respondent submits the document is one the witness can produce by virtue of being its maker. He says an original copy can be availed to the Claimant's Counsel, but that should not bar the production of the letter. He says that under the Rules of evidence, the author of the letter who is the witness standing is competent to produce it. He thus urges that the document be allowed as no prejudice will be suffered by the Claimant.
3. By way of clarification, the court sought to know from the witness how an original could be produced. The witness indicated that he authored the letter and sent the same to the Claimant and that the Claimant counter signed on the copy that is availed to Court.
4. From all accounts, the letter objected to was addressed to the Claimant and copied to two other persons. The author asserts he served the same on the Claimant. The letter has a signature at the bottom which the witness says belongs to the Claimant.

5. Whereas the Court is not a certified document examiner, having worked as an investigator at the Kenya Anti-Corruption Commission for over 7 years and having interacted repeatedly with documents that were constantly subjected to document examination by Mr. Emmanuel Kenga of the Kenya Police Service a seasoned document examiner and others in the office at CID Headquarters now DCI Headquarters, I note the characteristics on the signature appearing at the bottom of exhibit 9(b) correspond in all material respects with the known signature of the Claimant which appears in his witness statement filed before Court and the verifying affidavit accompanying the statement of claim filed by Counsel for the Claimant.

6. In my considered opinion therefore, no basis is laid for the objection to production of the document which this Court holds and finds was actually received by the Claimant as demonstrated by him appending his signature on the document. Objection is overruled and the document will be produced as an exhibit in this case as exhibit 9(b). As all the other documents were not objected to, the Respondent's

bundle comprising of exhibits 1-9(b) are hereby marked as
duly produced.

Orders accordingly.

Dated and delivered at Kisumu this 20th day of January

2026

**Nzioki wa Makau, MCI Arb.
JUDGE**

Original. Do not remove from the file.