



REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT KISII

CAUSE NO. E005 OF 2025

SAMUEL OTIENO OMOLLO.....

CLAIMANT

VERSUS

SHABANA FC.....

RESPONDENT

RULING

1. Objection is taken by Mr. Munyendo for the Claimant. He asserts that he is not happy to make the objection as Mr. Kanyoko has been very courteous in the matter. He asserts the objection is because the document is authored by the

Respondent and it bears no semblance to bank statement or MPESA statement. He urges it to be disallowed.

2. Mr. Kanyoko for the Respondent asserts that this is the format used by the Respondent to show payment. He urges the Court to be cognisant that the employer is the one that keeps records and therefore has the opportunity to avail the documents in its possession relating to payment. He submits the technical bench and players are paid using similar documentation. He thus prays the Court to allow the document.

3. The Advocate for Claimant Mr. Munyendo in reprise, submits that the document should not be allowed as it does not fit with proof of payment.

4. The Court is called to consider the tenor of a document sought to be produced in evidence by the Respondent. The same is a document headed **“Samuel Omollo Latest Payments”** and is on the letterhead of the Respondent. The Court agrees with Mr. Kanyoko that the employer keeps the records in terms of section 74 of the Evidence Act. However,

the point of departure is what kind of records. This document is not a payment schedule to a bank. It is not instructions to make a transfer for bank. It is not a cheque as proof of electronic payment and it certainly is not an MPESA or bank statement. It is merely figures typed in a document that indicates that there were deposits made to the Claimant. Without corresponding bank or MPESA statements, it is doubtful if great weight can be attached to it. In the premises, the Court disallows production of the document as it is not proof of the payments said to have been made to the Claimant.

It is so ordered.

Dated and delivered at Kisii this 25th day of February

2026

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