



Msariri v Jibuco Kenya Limited (Employment and Labour Relations Cause E441 of 2025) [2026] KEELRC 1157 (KLR) (30 April 2026) (Ruling)

Neutral citation: [2026] KEELRC 1157 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE E441 OF 2025**

BOM MANANI, J

APRIL 30, 2026

BETWEEN

AUXILLIA MSARIRI CLAIMANT

AND

JIBUCO KENYA LIMITED RESPONDENT

RULING

Background

1. The Claimant instituted the instant suit contending that the Respondent had an employment relationship with her which it allegedly unlawfully terminated. She thus seeks compensation for unfair termination of her services.
2. The Respondent has filed the application dated 9th June 2025 seeking to strike out its name from the suit allegedly because it was improperly sued. It avers that the Claimant's documents show that she was an employee of some other entity. As such, it contends that it had no employment relationship with her to warrant inclusion of its name in the suit.
3. The Claimant has opposed the application. She contends that it is the Respondent who entered into the employment relationship with her but using its trade name. As such, she contends that the suit against it (the Respondent) is properly before the court.
4. The Claimant avers that there is evidence to confirm that the contract of service was between her and the Respondent. She relies on letters which the Respondent wrote to introduce her to her bankers to anchor her contention.
5. The Claimant contends that the Respondent's application is an attempt to resolve a contested matter at the preliminary stage of the case without the benefit of a full trial. In her view, this is improper.



Analysis

6. The court has looked at the preliminary material which has been placed before it and it appears that the Claimant's contract of service was drawn by an entity which is described as Jibu. The contract was signed by one Galeri Welsch on behalf of the aforesaid entity.
7. Nevertheless, the said entity also wrote two letters dated 23rd October 2024 and 6th November 2024 to introduce the Claimant to two banks and which describe her as an employee of Jibuco. The letters bear a stamp of "Jibuco Kenya Ltd", the Respondent herein.
8. According to the Claimant, these letters confirm that the Respondent was her employer and that it was only trading in the name of Jibu. As such, she contends that the instant application is unmerited.
9. The court has taken note of the explanation given by the Claimant and it appears that the parties to the action had some relationship whose nature and tenure can only be ascertained upon full trial. As such, it will not be appropriate to make a determination on whether they had an employment relationship at this preliminary stage of the proceedings.

Determination

10. The upshot is that the court declines to strike out the Respondent's name from the proceedings.
11. As such, the application dated 9th June 2025 is dismissed.
12. Costs of the application shall abide the outcome of the suit.

DATED, SIGNED AND DELIVERED ON THE 30TH DAY OF APRIL, 2026

B. O. M. MANANI

JUDGE

In the presence of:

.....for the Claimant

.....for the Respondent

Order

In light of the directions issued on 12th July 2022 by her Ladyship, the Chief Justice with respect to online court proceedings, this decision has been delivered to the parties online with their consent, the parties having waived compliance with Rule 28 (3) of the ELRC Procedure Rules which requires that all judgments and rulings shall be dated, signed and delivered in the open court.

B. O. M MANANI

