



**Unilever Kenya Limited v Ntinyari (Cause E155 of 2024)
[2025] KEELRC 274 (KLR) (6 February 2025) (Ruling)**

Neutral citation: [2025] KEELRC 274 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E155 OF 2024
S RADIDO, J
FEBRUARY 6, 2025**

BETWEEN

UNILEVER KENYA LIMITED CLAIMANT

AND

CAROLINE NTINYARI RESPONDENT

RULING

1. On 6 June 2024, when the Cause came up for directions, the parties did not attend and the Court directed:
Parties to take dates at the Registry for formal proof. Cause to proceed as undefended Cause.
2. The order prompted Caroline Ntinyari (the Respondent) to file a Motion dated 25 September 2024, seeking a review of the directions/orders of 6 June 2024 and grant of leave to defend.
3. The Court gave directions on the Motion on 6 November 2024, and the Respondent filed submissions on 21 November 2024.
4. On 3 December 2024, the parties filed a consent in the following terms:
The Respondent's Notice of Motion application dated 25th September 2024 is hereby marked as settled in the following terms:
 - (a) The orders of this Honourable Court issued on 26th June 2024 directing that the parties take dates at the registry for formal proof and the case to proceed as undefended cause to be and are hereby set aside.
 - (b) The Respondent's Response to the Statement of Claim and List of Witnesses both dated 7th May 2024 and the Respondent's Witness Statement and List of Documents both dated 27th May 2024 be and are hereby deemed as duly filed and properly on record.



- (c) There be no order as to costs of the application aforesaid.
5. The directions/orders of the Court sought to be reviewed were not issued on 26 June 2024. They were issued on 6 June 2024. Consequently, the consent agreement between the parties refers to directions/orders not given by the Court.
 6. The Court is unable to discern whether the reference to 26 June 2024 and not 6 June 2024 is an inadvertent error or just a typographical error since the Motion sought to be compromised also indicated the date of the Court orders as 26 June 2024.
 7. The Claimant did not file any response in objection to the Respondent's Motion. It did not file submissions.
 8. Considering the above, the Court allows the Motion dated 25 September 2024 as follows:
 - i. The order that the Cause proceeds as undefended issued on 6 June 2024 is set aside.
 - ii. The Respondent's Response, witness statements and documents are admitted onto the record.
 - iii. Each party to bear own costs of the Motion.

DELIVERED VIRTUALLY, DATED AND SIGNED IN MACHAKOS ON THIS 6TH DAY OF FEBRUARY 2025.

RADIDO STEPHEN MCIARB

JUDGE

Appearances

For Claimant Kaplan & Stratton Advocates

For Respondent O & M Law LLP

Court Assistant Wangu

