



**Okudho v SS Mehta & Sons Limited (Cause E055 of 2023)  
[2024] KEELRC 2330 (KLR) (23 September 2024) (Ruling)**

Neutral citation: [2024] KEELRC 2330 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU  
CAUSE E055 OF 2023  
NZIOKI WA MAKAU, J  
SEPTEMBER 23, 2024**

**BETWEEN**

**WILLIAM OTIENO OKUDHO ..... CLAIMANT**

**AND**

**SS MEHTA & SONS LIMITED ..... RESPONDENT**

**RULING**

1. The learned Judge Hon. Radido J. in a Ruling delivered on 22<sup>nd</sup> May 2024, declined to admit a set of documents except on those at page 16-20 of the documents – alongside that at page 22 of the said documents. The Claimant whilst testifying today has offered in exhibit documents numbers 1-18 inclusive of exhibit 2(a)-2(d), 3, 4, 5, 6(a) - 6(k) and exhibits 7 and 8.
2. The ruling by Radido J. only permitted documents No. 16-20 - copy of records for the cumulative breakdown of blank binding wire for period 27<sup>th</sup> July 2022 to 31<sup>st</sup> March 2023, copy of records to the cumulative period from 14<sup>th</sup> June 2022 to 4<sup>th</sup> April 2023 and copy of records from 17<sup>th</sup> June to 24<sup>th</sup> March 2024. Copy of records and breakdown of diesel for March 2023 to May 2023 and copy of programs of works for the period 19<sup>th</sup> June 2023 and the demand letter. Excluded were documents such curriculum vitae of the Claimant and the bundle of documents inclusive of the pay slips of March 2023, April 2023 for the store keeper – a strange to these proceedings as well as the listed documents in the Claimant's set of documents of 10<sup>th</sup> January 2024. As the Claimant has tried to sneak one past the goalkeeper, a mulcting by way of costs will do as well an order that the Claimant files a duly paginated and bond copy of the exhibits that Radido J. permitted. The Claimant will pay the Respondent's Counsel costs of Kshs. 5,000/- within 7 days as well as Kshs. 1,500/- for the adjourned hearing. The Court will hear the Claimant's case on 14<sup>th</sup> October 2024. If the Claimant fails to comply with any of the orders of the court in respect to the filing of documents, or the payments of adjournment costs and the fee to Counsel for the aborted hearing, further sanctions will be issued on October 14<sup>th</sup>. Parties



to advise if the 14<sup>th</sup> is convenient for further hearings. Case will be listed as part –heard if there is no objection for proceed on 14<sup>th</sup> October 2024.

So ordered.

**DATED AND DELIVERED AT KISUMU THIS 23RD DAY OF SEPTEMBER 2024**

**NZIOKI WA MAKAU**

**JUDGE**

