



**Nthekani v Shah (Employment and Labour Relations Cause
127 of 2018) [2023] KEELRC 494 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEELRC 494 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE 127 OF 2018**

J RIKA, J

FEBRUARY 28, 2023

BETWEEN

REGINA NUNDU NTHEKANI CLAIMANT

AND

RASMITA SHAH RESPONDENT

RULING

1. Parties to this claim appear bogged down in applications which are not helpful to the expeditious administration of justice.
2. The claim was filed 5 years ago, and is brought by a former domestic help, against the respondent, her former employer. It is not a claim that should take more than 5 years to conclude.
3. The claimant filed her amended claim on April 9, 2019. The respondent filed an application dated April 18, 2019, asking the court to strike out the amended claim.
4. The application was rejected on July 19, 2019. The respondent waited until October 3, 2022, to seek leave to amend her own statement of response.
5. To avoid further wastage of time, the application by the respondent is allowed.
6. It is also noted that the claimant worked as the respondent's domestic help, earning a monthly salary of Kshs 15,000. This is within the jurisdiction of the chief magistrate's court. The claim can suitably be heard without further delay, before the chief magistrate's court.

It is ordered: -

- a. The application by the respondent seeking to amend the statement of response is allowed.
- b. The claim is transferred to the chief magistrate's Milimani at Nairobi for hearing and disposal.



c. Costs in the cause.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAIROBI,
UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, THIS 28TH
DAY OF FEBRUARY 2023.**

JAMES RIKA

JUDGE

