



**Omacho v Security Group K. Limited (Cause 968 of 2015)
[2023] KEELRC 1872 (KLR) (10 July 2023) (Ruling)**

Neutral citation: [2023] KEELRC 1872 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 968 OF 2015
NZIOKI WA MAKAU, J
JULY 10, 2023**

BETWEEN

JACOB NDEMO OMACHE CLAIMANT

AND

SECURITY GROUP K. LIMITED RESPONDENT

RULING

1. There is objection to testimony by the respondent’s witness. It is averred she is introducing new evidence the claimant will not have a chance to counter. It is stated none of the testimony is in her statement.
2. In opposition, Counsel for the respondent asserts the testimony adduced is in respect of the evidence of Labour Officer who stated he was not aware of payment made and she is the witness who was present and participated. He thus asserts the objection is not valid.
3. In reply, Counsel for the claimant asserts that the evidence being adduced is casting aspersions on the character of the Labour Officer and indicates shock yet her witness statement says nothing of the testimony being adduced. He submits that the evidence being adduced is different testimony to that on record.
4. The statement by the Respondent’s witness refers to two conciliation meetings held on 19th and November 27, 2014. It is by this reference that some latitude could be given to allow for some limited reference to the said matter. This however is not carte blanche for the Respondent to cast aspersions on witness by the claimant in relation to evidence adduced as this would open a back & forth in relation to testimony of parties which would not aid the administration of justice and the expeditious disposal of the matter.
5. As is, the matter has dragged on in court and has to even be deferred given the time taken in having this ex tempore Ruling delivered. The objection is upheld to extent that the respondent’s witness will



refrain from commenting on testimony adduced and confine her testimony to the evidence adduced by way of statement and documents before court.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 10TH DAY OF JULY 2023

NZIOKI WA MAKAU

JUDGE

