



**Omanga v Visa Cemea Holdings Limited (Petition E157 of 2022)
[2023] KEELRC 1987 (KLR) (3 July 2023) (Ruling)**

Neutral citation: [2023] KEELRC 1987 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
PETITION E157 OF 2022
NZIOKI WA MAKAU, J
JULY 3, 2023**

BETWEEN

JUANITA CAROLINE OMANGA CLAIMANT

AND

VISA CEMEA HOLDINGS LIMITED RESPONDENT

RULING

1. There is objection as to the line of questions being undertaken by Mr. Ochieng for the Petitioner. The objection by Miss Omondi is that the Respondent did not ask questions as to the distinction between the entities Visa Cemea Holdings Ltd and Visa Middle East FZ LLC. As such, Miss Omondi asserts she will not be able to cross examine the Petitioner on the questions she will answer relating the entities. She submits she only asked if the employer of the Petitioner was Visa Middle East.
2. Mr. Ochieng is opposed to the objection and submits that the first question asked was about the employment letter and the second question was on whether the company was similar. The Petitioner, it was asserted, was merely trying to clarify and the reason for his question to her was to get clarity if the two are different entities.
3. In reprise, Miss Omondi asserts that she was not asking for a distinction between the company and only asked the Petitioner to state who her employer was. She submits she did not ask for a distinction and that issue would be for submission being a legal issue. She maintains the questions being asked will open a further line of questions which she would not have the benefit of countering. She thus urged the objection be upheld.
4. In re-examination, the latitude is limited to seeking clarification and in as far as the Petitioner is concerned, it could be opening a Pandora's box to allow extensive reopening of testimony as reaching new areas of examination is not permitted in re-examination. The question asked of the Petitioner was answered thus "Visa is one company with one Chief Executive Officer (CEO) and one Board and its



shares are traded on the New York stock exchange. The company is one entity and has offices in other countries”. This is my considered view clarified sufficiently and no further questions should be led in this regard as the Respondent will not have a chance to have a go at questioning the Petitioner. As such objection is, upheld to the extent the Petitioner should seek answers in respect to other aspects of testimony unrelated to the questions that have been asked and answered.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 3RD DAY OF JULY 2023

NZIOKI WA MAKAU

JUDGE

