



**Nyandat v Barclays Bank of Kenya (Cause 124 of 2018)
[2023] KEELRC 2361 (KLR) (4 October 2023) (Ruling)**

Neutral citation: [2023] KEELRC 2361 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 124 OF 2018
AN MWAURE, J
OCTOBER 4, 2023
BEFORE HON. LADY JUSTICE ANNA NGIBUINI MWAURE**

BETWEEN

ALBERT W NYANDAT CLAIMANT

AND

BARCLAYS BANK OF KENYA RESPONDENT

RULING

1. The court *vide* its judgment delivered on June 16, 2023 had ordered the respondent to avail claimant's accounts and securities held to enable it to make an informed determination on the claim for counterclaim.
2. The respondent appeared before the honourable court on September 26, 2023 and informed the court they wanted to abandon the counterclaim.
3. The court therefore orders the prayer for the counterclaim by the respondent be marked as settled and the matter be closed.
4. As to the costs the court affirms that each party will meet their respective costs.

Orders accordingly.

DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 4TH DAY OF OCTOBER, 2023.

ANNA NGIBUINI MWAURE

JUDGE

ORDER



In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with **Order 21 Rule 1 of the Civil Procedure Rules**, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of *the Constitution* which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of *the Constitution* and the provisions of **Section 1B of the Procedure Act (Chapter 21 of the Laws of Kenya)** which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

ANNA NGIBUINI MWAURE

JUDGE

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