



REPUBLIC OF KENYA



KENYA LAW
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**Indoshi v Kangari (Cause 1991 of 2016)
[2023] KEELRC 2799 (KLR) (2 November 2023) (Judgment)**

Neutral citation: [2023] KEELRC 2799 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 1991 OF 2016
J RIKA, J
NOVEMBER 2, 2023**

BETWEEN

VIOLET INDOSHI CLAIMANT

AND

GACIKU KANGARI RESPONDENT

JUDGMENT

1. The Claimant was employed by the Respondent as a domestic help.
2. She presented this Claim, alleging that the Respondent unfairly terminated her contract.
3. Section 47(5) of the *Employment Act* states that, in any complaint of unfair termination of employment, or wrongful dismissal, the burden of proving that unfair termination or wrongful dismissed has occurred, shall rest on the Employee.
4. The burden of justifying the grounds of termination shall rest on the Employer.
5. The Claimant has not presented evidence before the Court, and has not discharged her evidential burden under section 47(5) of the *Employment Act*.
6. The Respondent has presented her evidence, and discharged her evidential burden under section 47(5) of the *Employment Act*.
7. It Is Ordered: -
 - a. The Claim is dismissed.
 - b. Granted that the Claimant worked as a domestic help, there shall be no order on the costs.
 - c. The file is closed



DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY, AT NAIROBI,
UNDER PRACTICE DIRECTION 6[2] OF THE ELECTRONIC CASE MANAGEMENT
PRACTICE DIRECTIONS, 2020, THIS 2ND DAY OF NOVEMBER 2023.

JAMES RIKA

JUDGE

