



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 88 OF 2020

BENSON MURITHI IRERI.....CLAIMANT

VERSUS

KENYA INSTITUTE OF MANAGEMENT (KIM).....RESPONDENT

JUDGMENT

1. This suit is undefended, the respondent having failed to enter appearance nor file a defence to the Statement of Claim filed on 14/2/2020 in which the Claimant prays for judgment against the respondent for outstanding dues to him in respect of work done for the respondent by the claimant being:-

- i. Training at Machakos branch of the respondent for the period 17/2/2016 to 12/6/2018, totaling 209 sessions at 750 per session in the sum of Kshs.156,750.
- ii. Training at Machakos branch during the period 17/2/2016 and 12/6/2018 for a total of 109 students at Kshs.1,000 per student in the sum of Kshs.109,000 in respect of Computer Application training.
- iii. Monitoring and Evaluation Consultancy at Kitengela Branch for the period 16/6/2018 to 31/12/2018, a total of 38 hours at Kshs.3,000 per hour in the sum of Kshs.114,400.
- iv. Training for the period 17/2/2016 to 12/6/2018 at Kitengela Branch, totaling 122 sessions at Kshs.750 per session in the sum of Kshs.91,500.

2. The total liquidated claim by the claimant against the defendant is Kshs.476,100 as set out in the Statement of Claim.

3. There being no defence to the suit, the Court finds the claim to have been proved on a balance of probabilities and enters judgment in favour of the claimant against the respondent in the sum of Kshs.476,100.

4. The amount is payable with interest at Court rates from date of filing suit till payment in full.

5. The respondent is to pay the costs of the suit.

Dated and delivered at Nairobi this 8th day of February, 2021.

MATHEWS N. NDUMA

JUDGE

ORDER

In view of the declaration of measures restricting court of operations due to the COVID-19 pandemic and in light of the directions issued by his Lordship, the Chief Justice on 15th March 2020, this judgment has been delivered to the parties online with their consent. 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 18 of the Civil 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.

MATHEWS N. NDUMA

JUDGE

Appearances

Mr. Ochieng Advocate for the Claimant.

Ekale: Court clerk