

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. 350 OF 2015

SUSAN MUMBUA.....1ST CLAIMANT

LORNA TSISIGA.....2ND CLAIMANT

TIVENDER KAUR JUTTLA.....3RD CLAIMANT

JOHANNES OLUOCH.....4TH CLAIMANT

JOAN WANGUI KARIUKI.....5TH CLAIMANT

HARRISON NDWIGA MURIITHI.....6TH CLAIMANT

DANIEL MUEMA MUTANGILI.....7TH CLAIMANT

VERSUS

NAVITAS LIMITED.....1ST RESPONDENT

AUSTRALIAN UNIVERSITY STUDIES

INSTITUTE (AUSI).....2ND RESPONDENT

AUSEDKEN LIMITED.....3RD RESPONDENT

RULING

1. The Claimants/Applicants seek the review of the decision of the Court made on 9th February 2021. In the motion seeking the said review, it is asserted that the Court fell into a grave error in making a determination that the sum due on the decree is some Kshs. 8,708,506.75. It is argued that the sum is in excess of the amount the Court declared as due and owing.

2. It is not doubted that there is a debt due to the Claimants. As I stated on 9th February 2021, the decree that was issued herein was after a judgment of the Court. My brother Radido J. determined on 19th July 2019 that the Claimants were entitled to the reliefs he granted being the equivalent of 6 months gross wages amounting to Kshs. 6,622,158/- plus a sum that is not computed as terminal dues per the letters dated 3rd February 2015. The Claimants were also entitled to costs of the suit as well. The Claimants argue that the reliefs sought are in respect of the letters dated 3rd February 2015. As the learned Judge held as much, the parties would be the best suited to take accounts and ascertain in respect of each Claimant how much has been paid since there is no acknowledgement by the parties of the sums paid and received. It has not escaped the attention of the Court that the Respondents have been rather vague about payments and in that regard the parties must return to Court within 30 days of today clearly having set out the sums paid and if any sum is owed. The Claimants are to compute the sums received and alleged to be owing taking into account every cent paid to them and must of necessity make full disclosure. Matter to be mentioned on 29th July 2021.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 29TH DAY OF JUNE 2021

NZIOKI WA MAKAU

JUDGE