

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. E403 OF 2021

(Before Hon. Lady Justice Anna Ngibuini Mwaure)

KENYA UNION OF DOMESTIC, HOTELS, EDUCATIONAL INSTITUTIONS,

HOSPITAL AND ALLIED WORKERS (KUDHEIHA)

CLAIMANT

VERSUS

THE NAIROBI HOSPITAL

RESPONDENT

RULING NO. 3

1. The Respondent has requested for typed proceedings to appeal the Court's ruling on the refusal by Court to admit the payments receipts filed by the Respondent on 24th September 2021 after close of Claimant's case.
2. The Court has given its ruling on the reasons why it has refused to admit the documents. (See Ruling No. 2 annexed hereto)
3. The Respondent will be given the typed proceedings within two days from today's date upon paying any requisite Court fees.
4. Case to proceed with the Respondent's evidence.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON THIS 28TH DAY OF SEPTEMBER 2021

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 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.

ANNA NGIBUINI MWAURE

JUDGE