



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT NAIROBI

CAUSE NO. 1525 OF 2014

ROSE AKOTH OGWANG.....CLAIMANT

v

CIC GENERAL INSURANCE LTD.....RESPONDENT

RULING

1. Judgment in this Cause was delivered on 23 January 2018.
2. On 5 March 2018, the Claimant filed an application seeking orders
 1. The award issued by the Honourable Judge as set out at page 18 and 19 of the judgment as regards the quantifiable amount payable as House allowance and in the conclusion of the said judgment be reviewed so as to ascertain the actual total sum to be awarded to the Claimant together with the computation thereof.
 2. The Applicant be awarded the costs of this application.
3. The Respondent filed a replying affidavit sworn by its Company Secretary in opposition to the application and parties made submissions on 21 May 2018.
4. The application was anchored on the ground of error apparent on the face of the record in that the Court did not award house allowance from December 2010 to November 2013.
5. In opposing the application, the Respondent contended that house allowance was awarded for the months in respect of which pay slips were produced by the Claimant.
6. It is correct as urged by the Respondent that house allowance was awarded for the specific months for which pay slips were produced.
7. In the view of the Court therefore, a challenge based on the failure to award house allowance for the months in respect of which no pay slips were produced is not within the review jurisdiction of the Court, and more so on account of error apparent on the face of the record.
8. If the Claimant wanted the Court to rely on oral testimony in addition to the pay slips, and the Court failed to, that is a misapprehension of facts and/or law of evidence on standard of proof which should be challenged on appeal.
9. The Court finds no merit in the motion dated 5 March 2018 and orders that it be dismissed with no order as to costs.

Delivered, dated and signed in Nairobi on this 13th day of July 2018.

RADIDO STEPHEN

JUDGE

Appearances

For Claimant Mr. Odhiambo instructed by Nchogu, Omwanza & Nyasimi Advocates

For Respondent Mr. Mbaluto instructed by Oraro & Co. Advocates

Court Assistant Lindsey