



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA
AT NAIROBI
CAUSE NO 1877 OF 2015

BEN LAWRENCE WAWIRA GATUNYU.....CLAIMANT

VERSUS

TUSKER MATTRESSES LIMITED.....RESPONDENT

RULING

1. By a motion dated 6th July, 2017 the claimant sought a review order of the courts judgement delivered on 16th July, 2017 to read as follows:

- a. One month's salary in lieu of notice as Kshs 183,429/=
- b. Six months salary for unfair termination of services Kshs 1,100,574/=

2. The application was based on the main ground that at the time of termination of the claimant's services, his monthly salary was Kshs 183,429/= yet the court in its judgement made an error by looking only at annexure 4 attached to the memorandum of claim indicating salary for the 10 days worked in the month of June as Kshs 30,970/=.

3. Although the respondent opposed the application, the court does not regard the objection to be in good faith. The applicant was not attempting to reopen the case as contended by the respondent.

4. The court has carefully considered the application together with the pleadings and documents considered during the main trial and is persuaded that this is proper case where the court can exercise its review jurisdiction under rule 33 of the rules of the court.

5. The application is therefore allowed with the consequence that the judgement of the court is amended as prayed at paragraph 3 of the motion.

6. It is so ordered.

Dated at Nairobi this 9th day of August, 2018

ABUODHA J. N.

JUDGE

Delivered at Nairobi this 9th day of August, 2018

ABUODHA J. N.

JUDGE

In the presence of:-

.....for the Claimant

.....for the Respondent.