

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 1278 OF 2010

BELINDA WANJIRI WAITIKI.....CLAIMANT

VERSUS

KENYA AIRPORTS AUTHORITY.....RESPONDENT

Mr. Nyabena for the claimant

Mr. Kyengo for respondent

RULING

1. Applicant seeks to vary a consent entered to by the parties on 12th May 2016 pursuant to a judgment of the court delivered on 29th November 2011.
2. The applicant attributes the need for review to a mathematical error by the parties in arriving at the consent.
3. The application is opposed vide a replying affidavit of Alfred Nyabena, counsel for the claimant in which counsel concedes to a mathematical and clerical error in respect of the 3 months' salary in lieu of notice which should be Kshs.180,969/= instead of Kshs.90,969/= giving a total of Kshs.904,845/= instead of Kshs.814,645/=
4. The applicant does not in its application dated 8th September 2016 and in the supporting affidavit indicate what ought to be the correct amount in place of Kshs.814,645/=. This in itself renders the application incompetent since it does not disclose the purported error made by the parties nor does it provide the remedy sought.
5. The explanation by the respondent as to the calculation for the decretal sum is satisfactory to the court. The court finds no justification to vary the consent order reached by the parties at all.

The application is dismissed with no order as to costs.

Dated and delivered at Nairobi this 2nd day of March 2017

MATHEWS NDERI NDUMA

PRINCIPAL JUDGE