

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF

KENYA AT NAIROBI

CAUSE NUMBER 759 OF 2015

JOHN KIMANI GITAGIA.....CLAIMANTS

VERSUS

LOL GENERAL TRADING CO. LTD.....RESPONDENT

RULING

1. By a Motion dated 29th June, 2017 the claimant sought a review of this court’s judgement delivered on 17th March, 2017 to include an award for Kshs 144,280/= being the total sum of salary arrears not paid to the claimant by the respondent.

2. The application was based on the grounds among others that there was a mistake and error apparent on the face of the record in that the total sum of salary arrears unpaid were specifically pleaded and prayed for in paragraph 8 (g) of the memorandum of claim hence the error not to make the award was self-evident. One of the grounds for review of the court’s judgement under rule 33 of the court rules is error on the face of the record.

3. The court has considered the application and found that indeed it is correct that the claimant pleaded and prayed for arrears of salary yet the court in making the final award did not take this into account. The application is therefore found to be merited and is hereby allowed with the consequence that the judgement of the court delivered on 17th March, 2017 is hereby amended to include an award of Kshs 144,280/= on account of arrears of salary.

4. It is so ordered.

Dated at Nairobi this 1st day of December 2017

Abuodha J. N.

Judge

Delivered this 1st day of December 2017

In the presence of:-

..... for Claimant

.....for Respondent

Abuodha J. N.

Judge