



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

CAUSE NO 646 OF 2016

JAUNELLE CATHERINE LANDMAN.....CLAIMANT

VS

WELLS FARGO LIMITED.....RESPONDENT

RULING

1. The Claimant's application brought by Notice of Motion dated 19th April 2016 seeks a temporary injunction restraining the Respondent from interfering with and/or altering the Claimant's contract of employment. A second prayer for an order compelling the Respondent to procure a work permit for the Claimant was rendered superfluous since by the time of hearing the application the work permit had been procured.

2. The application which is supported by the Claimant's affidavit sworn on 19th April 2016 is based on the following grounds:

- a) That the Claimant has an arguable case with a high probability of success;
- b) That if the injunction is not granted the whole suit will be rendered nugatory and the Claimant will suffer irreparable damage considering that she gave up everything in South Africa to come to Kenya under the contract of employment between herself and the Respondent;
- c) That the Claimant's only source of income is the contract she has with the Respondent;
- d) That the Claimant is a holder of a South African passport therefore a foreigner in the country with no relations and just her employment to depend on;
- e) That the Respondent has continued to breach the Claimant's employment contract.

3. The Respondent's response is contained in a replying affidavit sworn by its Executive Director, Virginia Gai Gullen. Gullen depones that the Respondent has registered the Claimant for medical insurance under the BUPA-Explorer Essential Scheme. In addition the Respondent has met the Claimant's outpatient medical expenses on reimbursement basis. It is further deponed that the Respondent has never threatened nor pressured the Claimant.

4. The single issue for determination in this application is whether the Claimant has made out a case for

the injunctive orders sought. In granting an interlocutory injunction, the Court seeks to preserve the substratum of a case for main hearing.

5. In her application, the Claimant expresses an apprehension that her employment contract will be interfered with. However, no solid ground for the apprehension was laid before the Court. That being the case, I find the Claimant's application to be without basis and proceed to dismiss it with costs being in the cause. The interim orders granted on 20th April 2016 are hereby vacated.

6. Orders accordingly.

DATED SIGNED AND DELIVERED IN OPEN COURT AT NAIROBI THIS 15TH DAY OF JULY 2016

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JUDGE

Appearance:

Mr. Turunga for the Claimant

Miss Kariuki for the Respondent