



Edwin Wawire Wafula t/a Wafula Wawire & Company Advocates v Naviava (Miscellaneous Civil Application E005 of 2022) [2023] KEHC 26109 (KLR) (27 November 2023) (Ruling)

Neutral citation: [2023] KEHC 26109 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E005 OF 2022
RE ABURILI, J
NOVEMBER 27, 2023**

BETWEEN

**EDWIN WAWIRE WAFULA T/A WAFULA WAWIRE & COMPANY
ADVOCATES APPLICANT**

AND

JOHN SAUL NAVIAVA RESPONDENT

RULING

1. I have perused the file herein and the directions given by Hon. L. Akoth Deputy Registrar who has since been transferred to Nakuru Court of Appeal.
2. After hearing the parties on the Bill of Costs as filed by counsel, she was unable to write a ruling on account that she discovered that she had no jurisdiction to do so as Deputy Registrar of the High Court because the matter arose from ELRC. She then placed the file before F. A. Ochieng J for transfer to ELRC but no orders were made by the Judge who was away until he was elevated to the Court of Appeal.
3. I am in agreement with the direction taken by Hon. Linah Akoth then Deputy Registrar of this court that once she discovered that she was devoid of jurisdiction in the matter, she had to down her tools and she rightly did so.
4. As the matter arose from ELRC, obviously, this court cannot and does not have jurisdiction to hear and determine the issues relating to bills of costs arising from those proceedings before the Employment and Labour Relations Court.
5. Articles 162 (2) (a) and 165 (5) (b) of *the Constitution* are clear on the jurisdiction of this court vis avis the courts of equal status.



6. In addition, whereas the Deputy Registrar of the High Court can handle ELC or ELRC matters, they handle such matters as ELRC or ELC matters and not as High Court matters. This matter was filed in the High Court not ELRC where it is domiciled.
7. In the premises, I direct the file herein to be transferred to ELRC for consideration of the Advocate/ Client Bill of Costs as filed.
8. From this end, this file is closed.
9. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF NOVEMBER, 2023

R. E. ABURILI

JUDGE

