



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KAKAMEGA**

**CIVIL APPEAL NO. 77 OF 2017**

**KAIMOSI TEA ESTATES LIMITED.....APPELLANT**

**VERSUS**

**LEONARD OWINO OBURE .....RESPONDENT**

**JUDGMENT**

1. According to the plaint filed in the primary suit, dated 25<sup>th</sup> April 2017, the appellant herein was the employer of the respondent. That would mean that there was an employer-employee relationship between them, and the dispute before the court related to labour relations. The High Court has no jurisdiction, since 2010, to handle disputes that turn on employment and labour relations, by dint of Articles 162(2) and 165(5) of the Constitution of Kenya. That would mean that I have no jurisdiction to handle the appeal herein.

2. By dint of the decisions of the Court of Appeal in *Phoenix of EA Assurance Company Limited vs. SM Thiga t/a Newspaper Service* [2019] eKLR (**Karanja, Gatembu & Sichale JJA**) and *Equity Bank Limited vs. Bruce Mutie Mutuku t/a Diani Tour Travel* [2016] eKLR (**Makhandia, Ouko & M'Inoti JJA**), to the effect that where the High Court has no jurisdiction over a matter before it, it would have no jurisdiction, under sections 17 and 18 of the Civil Procedure Act, Cap 21, Laws of Kenya, to transfer the suit, in respect of which it has no jurisdiction, to the court with jurisdiction.

3. The appeal before me was filed at the wrong forum, before a court which has no jurisdiction to entertain it. It is, therefore, incompetent. It is accordingly struck out. The respondent shall have the costs.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 26<sup>TH</sup> DAY OF NOVEMBER, 2021**

**W. MUSYOKA**

**JUDGE**