

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CIVIL APPEAL NO. 62 OF 2017

NELSON KAIMENYA MBAYA.....APPELLANT

VERSUS

PATRICK MWENDA.....RESPONDENT

(Being an appeal from the judgment and decree by Hon. S. Abuya, Senior Principal Magistrate in Meru Chief Magistrate's Civil Case No. 2 of 2016 delivered on 06/07/2017).

DIRECTIONS

1. As I retired to consider the judgment in this matter, I found that the cause of action is based on an alleged employer-employee relationship out of which the Respondent herein contended that he was involved in an accident and therefore entitled to damages.
2. In view of the of the decision of the **Supreme Court of Kenya** in **Petition No. 5 of 2015 Republic vs. Karisa Chengo & 2 others (2017) eKLR** where it was firmly held that a Judge of the Environment and Land Court cannot properly hear and determine a matter falling within the exclusive jurisdiction of the High Court and *vice versa*, I as well, find that since the matter subject of this appeal falls within with the Employment and Labour Relations Court, the High Court lacks jurisdiction to in anyway whatsoever deal with this appeal.
3. Consequently, this matter be and is hereby transferred to the Employment and Labour Relations Court for further dealing. The Deputy Registrar of that Court shall notify the parties of any development accordingly.

SIGNED BY:

A. C. MRIMA

JUDGE

DATED, COUNTERSIGNED and DELIVERED at MERU this 30th day of July, 2018.

S. M. GIKONYA

JUDGE