

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

MISC. APPLICATION NO. 124 OF 2018

DANIEL AYUB.....APPLICANT

VERSUS

AGROLINE HAULIERS LTD.....RESPONDENT

RULING

1. The originating Motion dated 9th July 2018 seeks leave to appeal out of time, against a decision made in Kakamega CMCCC No. 161 of 2017 on 6th March 2018 by Hon. E. Malesi, Senior Resident Magistrate.
2. In the course of preparing the ruling herein I have noted from a copy of the judgement of 6th March 2018 that there was an employer-employee relationship between the parties hereto and the accident the subject of the suit occurred in the course of normal employment.
3. The dispute in the matter no doubt relates to employment and labour relations. The High Court does not have jurisdiction over such matters in view of Articles 162(2) and 165(5) of the Constitution. Jurisdiction lies with the Employment and Labour Relations Court.
4. I shall accordingly order that this matter be transferred to the Employment and Labour Relations Court at Kisumu for disposal. .

DATED, SIGNED and DELIVERED at KAKAMEGA this 28TH DAY OF SEPTEMBER, 2018

W. MUSYOKA

JUDGE