

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

CIVIL APPEAL NO. 15 OF 2015

JACOB LUBWA WATAYI.....APPELLANT

VERSUS

WEST KENYA SUGAR CO. LIMITED.....RESPONDENT

(An appeal arising from the judgment and decree of the Hon. P. Achieng, Acting

Principal Magistrate in Kakamega CMCCC No. 468 of 2011 of 23rd January 2015)

RULING

1. In the course of preparing judgment herein it has come to my attention that the suit turned on a claim arising from an industrial accident. The appellant was an employee of the respondent.
2. The dispute in the matter relates to employment and labour relations. The High Court no longer has jurisdiction over such matters in view of Articles 162(2) and 165(5) of the Constitution.
3. 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 final disposal.

DATED, SIGNED and DELIVERED at KAKAMEGA this 28th DAY OF September , 2018

W. MUSYOKA

JUDGE