



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**CIVIL APPEAL NUMBER 216 OF 2010**

**PANDA FOWERS LIMITED.....APPLICANT**

**VERSUS**

**REBECCA NJERI MWANGLI.....RESPONDENT**

*(Being an appeal from the Judgment/Decree of Hon. N. Njagi, Senior Principal Magistrate, Naivasha, delivered on 23<sup>rd</sup> July 2010 in Naivasha PMCC NO. 258 of 2009 )*

**DIRECTIONS**

1. The trial court suit was filed vide Naivasha PMCC No. 258 of 2009. It was a dispute between an employee and an employer, in respect of an alleged breach of employment contract.

Judgment was delivered on the 23<sup>rd</sup> July 2010 in favour of the plaintiff, now the Respondent.

The appellant preferred this appeal against the whole of the Judgment and decree thereof. The Memorandum of Appeal was filed on the 9<sup>th</sup> August 2010 before the promulgation of the The 2010 Kenya Constitution on the 27<sup>th</sup> August 2010 that established a special court under **Article 162** whose mandate is to deal with all disputes relating to an employer and employee in industrial relations.

This is the **Employment and Labour Relations Court**, established under the **Employment and Labour Relations Act No. 234B**.

**Section 12** thereof gives the said court exclusive original and appellate jurisdiction to hear and determine such disputes.

2. For that reason, the High Court lacks jurisdiction to entertain this appeal. It is the preserve of the Employment and Labour Relations Court.

Consequently, I order that the appeal be and hereby transferred to the said Employment and Labour Relations Court for hearing and determination.

Parties are directed to mention the appeal before the Employment and Labour Relations Court to take fresh directions on the progression of the appeal.

**Dated, Signed and Delivered this 21<sup>st</sup> Day of September 2017.**

**J.N. MULWA**

**JUDGE**