

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CIVIL APPEAL NUMBER 152 OF 2009

PATRICK KOFIA.....APPELLANT

VERSUS

GOGAR FARM LIMITED.....RESPONDENT

(An appeal from the Judgment of the Honourable Principal Magistrate Honourable Mr. Onyiego in NAKURU CMCC no 765 of 2006 delivered on 25th June 2009)

DIRECTIONS

This appeal arose from the trial courts judgment in Nakuru **CMCC No. 765 of 2006**. The primary suit as may be discerned from the pleadings and the judgment was about an Employment Contract between the plaintiff now appellant and the defendant now Respondent.

The appellant alleged to have been an employee of the respondent and while in the course of such employment he sustained injuries for which he sought compensation in terms of damages.

Though the Respondent denied there having been a contract of employment between itself and the appellant, the trial court made findings that the case fell under the **Workman's Compensation Act**, and further that as the Appellant had not proved negligence upon the Respondent, the suit was dismissed with no costs.

This prompted filing of this appeal by the appellant. That was on the 25th June 2005.

Article 162(2) of the Kenya 2010 Constitution established specialised courts with the status of the High Court to hear and determinate disputes relating to-

(a) Employment and Labour Relations.

(b) ----

The **Employment and Labour Relations Court Act, Chapter 234B** came into effect on the 27th August 2011. Section 12 gives the said court jurisdiction to hear and determine all disputes referred to it relating to employment and labour relations including disputes relating to and arising out of employment between an employer and an employee.

The court is also seized with exclusive and appellate jurisdiction in the said matters.

For the above reasons the appeal hereof is transferred to the Employment and Labour Relations Court for hearing and determination.

Dated, signed and delivered in open court this 27th day of October 2016.

JANET MULWA

JUDGE