



**REPUBLIC OF KENYA**

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

**CIVIL APPEAL CASE NO. 199 OF 2012**

**MOHAMED OMAR DOYO .....PLAINTIFF**

**VERSUS**

**KENYA SAFARI LODGES & HOTELS LTD.....1<sup>ST</sup> DEFENDANT**

**ATTORNEY GENERAL.....2<sup>ND</sup> DEFENDANT**

**RULING**

**PRELIMINARY**

The delivery of this Ruling was delayed by my being on annual leave and by the transfer of my secretary and court clerk from Mombasa law courts. The delay is however regretted.

2. This is an appeal against the judgment of Mombasa Resident Magistrate's court in RMCC NO. 1290 of 2005 Parties opted to rely on their written submissions in this appeal. It was not however until I sat to consider this appeal that realized that I lacked jurisdiction to deal with it. 3. The original suit before Resident Magistrate's court related to appellant's arrest at his employment that is Mombasa Beach Hotel, which arrest he alleged led to his loss of employment with the 1<sup>st</sup> respondent. He also prayed for damages for wrongful arrest.

In my view by virtue of Article 162 (2) as read with Article 165 (5) (b) of the constitution the High court does not have jurisdiction to entertain this appeal.

**2. Articles 162 (2) and 165(5) (b) reserve the jurisdiction of employment disputes upon the Employment and Labour Relations Court. That being so I do hereby transfer this appeal to the Mombasa Employment and Labour court for hearing and determination.**

**Dated and delivered this 25th day of June 2015.**

**MARY KASANGO**

**JUDGE**

25.6.2015

Coram

Before Mary Kasango

C/Assistant- Kavuku

For Appellant:

For 1<sup>st</sup> Respondent:

For 2<sup>nd</sup> Respondent:

**Court**

Ruling delivered in their presence/absence in open court.

**MARY KASANGO**

**JUDGE**