



REPUBLIC OF KENYA



KENYA LAW
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**Zhongmei Engineering Group Limited v Nyachiro (Civil Appeal
E002 of 2022) [2023] KEHC 1847 (KLR) (9 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 1847 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CIVIL APPEAL E002 OF 2022
WA OKWANY, J
MARCH 9, 2023**

BETWEEN

ZHONGMEI ENGINEERING GROUP LIMITED APPELLANT

AND

JOSHUA OGAMBA NYACHIRO RESPONDENT

*(Being an Appeal against the Ruling of Hon. M. C. Nyigoi – SRM Nyamira
dated and delivered at Nyamira on the 1st day of December 2021 in the
original Nyamira Chief Magistrate’s Court Civil Case No. 17 of 2017)*

RULING

1. This appeal was first placed before me for determination on October 5, 2022.
2. However, upon perusing the record of appeal and the submissions by counsel, I note that the matter revolves around the contract of Employment and Labour Relations.
3. At paragraphs 3 and 4 of the plaint filed before the lower court, the plaintiff/respondent herein stated that he was at all material times to the suit an employee of the appellant.
4. I find that this court lacks the jurisdiction to entertain the appeal, which I hereby direct should be transferred to the Employment and Labour Relations Court in Kisumu for hearing and determination. I am guided by the decision in civil appeal No 28 of 2020 Magot Freight Services Ltd & another v Samson Mwakenda Mangale.

**RULING DATED, SIGNED AND DELIVERED AT NYAMIRA VIA MICROSOFT TEAMS THIS
9TH DAY OF MARCH 2023.**

W. A. OKWANY

JUDGE

