



**Zhongmei Engineering Group Limited v Obiero (Civil Appeal  
E095 of 2021) [2023] KEHC 1843 (KLR) (9 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 1843 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CIVIL APPEAL E095 OF 2021  
WA OKWANY, J  
MARCH 9, 2023**

**BETWEEN**

**ZHONGMEI ENGINEERING GROUP LIMITED ..... APPELLANT**

**AND**

**JAMES MATOKE OBIERO ..... 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. 18 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  
9<sup>TH</sup> DAY OF MARCH, 2023.**

**W. A. OKWANY**

**JUDGE**

