



REPUBLIC OF KENYA



**Goodlife Pharmacy Limited v Odhiambo (Civil Appeal E141 of 2024)
[2024] KEHC 13481 (KLR) (5 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13481 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E141 OF 2024
RE ABURILI, J
NOVEMBER 5, 2024**

BETWEEN

GOODLIFE PHARMACY LIMITED APPELLANT

AND

SOSPETER OUKO ODHIAMBO RESPONDENT

*(Arising from the Judgment and decree of Hon. E. A. Obina, PM
in Kisumu MCELRC No. 71 of 2022 rendered on 20th June, 2024)*

RULING

1. This appeal is slated for mention on 4th December 2024. However, the Registry brought it up for directions on account that the appeal arises from the Employment and Labour Relations Court of the lower court being Kisumu CM ELRC no E71 of 2022.
2. Appeals from the ELRC lie to the ELRC Superior court and not to the High Court. This is pursuant to the provisions of Articles 162 (2) (a) and 165 (5) (b) of the Constitution as read with Section 12 (1) of the Employment and Labour Relations Court Act.
3. The High Court is expressly barred by Article 165 (5) (b) of the Constitution from hearing and determining disputes exclusively reserved for the Environment and Land Court and Employment and Labour Relations Court as well as the Supreme Court.
4. That being the case, I find that this appeal was filed here erroneously. The Appellant is represented by an advocate who ought to know that jurisdiction of courts is given by the Constitution and statutes, not by parties. Further, no court of law can arrogate to itself jurisdiction which is donated to a specific Court by the Constitution or by statute.
5. The jurisdiction in issue is inherent jurisdiction. Without jurisdiction, which is everything, a court of law acts in vain. See the case of Owners of Motor vessel Lilian 'S' v Caltex Oil (Kenya) Ltd [1989] KLR 1.



6. Accordingly, for want of jurisdiction, this appeal is hereby struck out with no orders as to costs and the file is closed.

7. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 5TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

