

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CIVIL APPEAL NO. 29 OF 2019

WEST KENYA SUGAR CO. LIMITED APPELLANT

VERSUS

TITUS CHIVUYI MULEKA RESPONDENT

RULING AND ORDER

1. This is one of a series of suits regarding the same accident/incident. It is in respect of claims for an injury at work. In short it is a WIBA claim. It is settled law that the High Court has no jurisdiction to deal with WIBA claims. The approach taken has been either to transfer an appeal or dismiss it. Each Judge has made a decision based on the facts before him/her.

2. In this case and the other associated cases, Hon. Mr. Justice Musyoka did not summarily dismiss the cases. Instead he went to the trouble of delivering a reasoned judgment explaining why he had no jurisdiction.

3. It is clear from the several applications – seeking a stay that the Applicant and/or its Legal Advisors have not paid an iota of attention to those decisions.

4. These Applications fly in the face of that decision in a way that borders on contempt.

5. In the circumstances this Court has no option but to dismiss the applications with costs.

Order accordingly,

Farah S. M. Amin

JUDGE

Signed, and Delivered in Kakamega this the 4th day of October 2021.

In the Presence of

Court Assistant: Wasilwa

Appellant: Ms. Lukasile for Appellant on line using the teams platform

Respondent: Mr. Abok for the Respondents on line using the teams platform