



**REPUBLIC OF KENYA**

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

**CIVIL APPEAL NO. 43 OF 2017**

**TRANS MARA SUGAR CO. LTD.....APPELLANT**

**-versus-**

**ALBERT OPIYO.....RESPONDENT**

***(Being an appeal arising from the judgment and decree by Hon. M. Wachira, Senior Resident Magistrate in Migori Chief Magistrate's Civil Case No. 285 of 2014 delivered on 16/02/2017)***

**FURTHER DIRECTIONS**

1. Upon a careful consideration of the record in this appeal, I find that this matter revolves around an alleged breach of an employment contract between the parties.

2. Pursuant to **Articles 165(5) and 162(2) of the Constitution** and flowing from **the Supreme Court of Kenya** decision in **Republic vs. Karisa Chengo & 2 others Petition No. 5 of 2015 (2017) eKLR** I hereby decline jurisdiction in this matter and direct that the same be placed before the Employment and Labour Relations Court for further dealing.

3. I hereby issue the following orders/directions: -

**(a) All the orders and/or directions made by this Court in this appeal be and are hereby set-aside;**

**(b) The Deputy Registrar shall forthwith transmit this matter to the Employment and Labour Relations Court in Kisumu.**

Orders accordingly.

**DELIVERED, DATED and SIGNED at MIGORI this 4<sup>th</sup> day of October, 2018.**

**A. C. MRIMA**

**JUDGE**