



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CIVIL APPEAL NUMBER 177 OF 2013

SAVANNA INTERNATIONAL LTD..... APPELLANT

VERSUS

MARY MASWA CHANGALWA..... RESPONDENT

(Being an appeal from the Judgment/decree of Hon. Esther Boke, Senior Principal Magistrate Naivasha, delivered on 4th September 2013 in Naivasha PMCC No. 845 of 2010)

DIRECTIONS

1. The appeal hereof arose from the trial court's Judgment delivered on the 4th September 2013 in **Naivasha PMCC No.845 of 2010**.

In his statement of claim the Respondent stated that he an employee of the Appellant under a contract of employment and while in the course of his duties he sustained injuries to the appellant for negligence and sought for damages. The appellant denied there having been a contract of employment as well as any injuries sustained by the Respondent in the course of employment.

2. Upon hearing the case, the trial court made findings that the respondent an employee of the appellant, injured and awarded damages to him as compensation. This gave rise to this appeal.

There is no doubt that the primary suit concerned employment and labour relations between the parties.

Article 162(2) of the Kenya 2010 Constitution established specialised courts with the status of the High court to hear and determine disputes relating to:

(a) Employment and Labour relations

(b)

3. The **Employment and Labour Relations Act, Cap 234B** came into effect on the 27th August **Section 12** thereof gives the court jurisdiction to hear and determine all disputes referred to it relating to Employment and Labour Relations including disputes relating to and arising out of employment between employer and employee.

The court is also seized with exclusive and appellate jurisdiction in the said matters.

4. For the above reasons, this appeal ought to be heard and determined by the Employment and Labour Relations Court in its appellate jurisdiction.

The appeal is therefore transferred to the Employment and Labour Relation court for hearing and determination.

Dated, signed and delivered in this 10th day of November 2016

JANET MULWA

JUDGE