



**REPUBLIC OF KENYA.**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA.**

**CIVIL APPEAL NO. 169 OF 2010.**

**NYAYO TEA ZONE DEVELOPMENT CORPORATION....APPELLANT.**

**VERSUS**

**CATHERINE MBOGA.....RESPONDENT.**

**DIRECTIONS.**

1. This appeal was set for judgment today. This Court has however not written the same for want of jurisdiction.

2. Upon perusal of the pleadings in the suit, it is revealed that the cause of action relates to a work related injury. Pursuant to Articles 162 (2) and 165 (5) of the Constitution as read with the Industrial Court Act, the appeal from the decision of the trial Court ought to lie to the Employment and Labour Relations Court.

3. As this Court remains truly apologetic to the parties on account of the delay occasioned herein, the Court has no alternative but to make the following orders:-

- a. *This matter be and is hereby transferred to the Employment and Labour Relations Court at Kisumu;*
- b. *The matter be fixed for a mention before the said Court on 22/7/2015 for directions.*

Orders accordingly.

**DELIVERED, DATED and SIGNED this 9th day of July, 2015.**

**A.C. MRIMA.**

**JUDGE.**