



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CIVIL CASE NO. 107 OF 2013(O.S)

**IN THE MATTER OF: LEAVE UNDER SECTION 27 OF THE LIMITATION OF ACTIONS
ACT (CAP 22 LAWS OF KENYA)**

AND

IN THE MATTER OF: LEAVE TO FILE SUIT OUT OF TIME

BETWEEN

DEDAN NDERITU WANJOHI APPLICANT

AND

KENYA REVENUE AUTHORITY1ST RESPONDENT

THE DIRECTOR OF PUBLIC PROSECUTION2ND RESPONDENT

RULING

1. The Applicant **DEDAN NDERITU WANJOHI** has filed this action by Originating Summons seeking that leave be granted to him to file out of time suit against the two Respondents. The action is based on Sections 22 and 27 of The Limitation of Actions Act Cap 22.
2. Although after hearing the matter the judgment was reserved for today but in my consideration of that judgment I formed the opinion that if such leave will be considered it ought to be considered by the Industrial Court. This is because the Applicant seeks leave to file a suit out of time for his alleged wrongful and malicious dismissal from employment by the 1ST Respondent after what he terms as malicious prosecution by the 2nd Respondent.
3. In view of what is stated above and in accordance with Article 162(2) (a) and Article 165(5) (b) of the Constitution of Kenya I do hereby transfer this matter to the Industrial Court sitting in Mombasa for the Court to determine the prayers sought in the Originating Summons.

It is so ordered.

DATED and DELIVERED at MOMBASA this 15TH day of MAY, 2014.

MARY KASANGO

JUDGE