



**Muchiri v Beiersdorf East Africa Limited (Cause E096 of 2022)
[2025] KEELRC 2868 (KLR) (23 October 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2868 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E096 OF 2022
S RADIDO, J
OCTOBER 23, 2025**

BETWEEN

NANCY MUCHIRI CLAIMANT

AND

BEIERSDORF EAST AFRICA LIMITED RESPONDENT

RULING

1. For determination is a Motion dated 31 July 2025 by Nancy Muchiri (the applicant) seeking orders:
 - i. ...
 - ii. The order for stay of execution issued on 17th June 2025 be set aside for failure by the Respondent to lodge the appeal within statutory timelines.
 - iii. The decretal sum of Kes 3,033,172/- deposited in Court be remitted to the applicant.
 - iv. Costs of this application be borne by the Respondent.
2. The grounds supporting the Motion were that after the Court delivered judgment on 20 February 2025 in favour of the applicant; the Respondent filed a Notice of Appeal on 5 March 2025; on 17 June 2025, the Court granted the Respondent stay of execution on the condition that it deposited the decretal amount of Kshs 3,033,172/- in Court; the Respondent had failed to file the appeal within 60 days as envisaged under Rule 84 of the Court of Appeal Rules and that there being no competent appeal, the stay orders ought to be vacated.
3. The applicant filed submissions on 14 August 2025, arguing that failure to provide the Court with hard copies of the Notice of Appeal and letter requesting for proceedings meant the Notice and request had not been properly filed, and that under Rule 84 of the Court of Appeal Rules, a Record of Appeal should have been filed within 60 days, which had lapsed.



4. The Respondent filed Grounds of Opposition to the Motion and its submissions on 29 August 2025.
5. The Respondent asserted in the Grounds that this Court lacked the jurisdiction to determine whether there was default in filing an appeal; Rule 24(1) of the Employment and Labour Relations Court (Procedure) Rules, 2024 did not apply in the circumstances; it was Rule 84 of the Court of Appeal Rules that applied and it did not require physical filing of a request for proceedings and that the Electronic Case Management Practice Directions 2020 allowed for electronic filings.
6. In the submissions, the Respondent contended that it was not within the jurisdiction of the Court to determine whether a competent appeal existed and that there was no legal requirement to make a physical application for certified proceedings after the introduction of electronic filing and the applicable Rules; the typing of proceedings was the exclusive function of the Court and not parties and therefore any delay could not be attributed to the Respondent.
7. The Court has considered the Motion, affidavit in support, Grounds of Opposition and submissions.
8. The Respondent had an undoubted right of appeal, and it exercised that right by filing a Notice of Appeal on 5 March 2025 electronically. It also applied for copies of proceedings electronically the same day.
9. The Notice of Appeal and request for proceedings were paid for, and the Court finds them duly filed and on record.
10. The electronic filing of documents is founded on the Electronic Case Management Practice Directions and the Rules of this Court. The mere failure to furnish the Court with hard copies of filed documents cannot invalidate documents electronically filed, and the Court so holds.
11. The applicant also challenged the competency of the Appeal before the Court of Appeal.
12. This Court lacks the legal wherewithal to determine whether there exists an Appeal before the Court of Appeal or its competency. The determination can only be made by the Court of Appeal.
13. Before concluding, the Court notes that proceedings in this Cause have been ready for some time, though not certified. It would be prudent to place the file before the Deputy Registrar for purposes of certification of the proceedings.

Orders

14. Flowing from the above, the Court finds the Motion dated 31 July 2025 without merit and it is dismissed with costs to the Respondent.
15. The parties to appear before the Deputy Registrar on 27 October 2025 for a way forward/directions on certification of the proceedings.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 23RD DAY OF OCTOBER 2025.

RADIDO STEPHEN, MCI Arb

JUDGE

Appearances

For Claimant Komm Advocates

For Respondent Mohammed Muigai LLP, Advocates



