

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT ELDORET

MISCELLANEOUS NO. E047 OF 2025

(Before Hon. Lady Justice Maureen Onyango)

JARED TOBET ATUTA APPLICANT

VERSUS

MOMBASA MAIZE MILLERS LTD

RESPONDENT

RULING

1. Vide an application dated 30th September 2025 filed the firm of Z.K. Yego & Co. Advocates the applicant avers that he was employed as a casual employee of the Respondent as a loader.
2. That on or about 16th December 2020 while in the course of duty within the Respondent's premises he was injured when he dislocated his shoulder while off-loading bags of maize for the Respondent and sustained serious injuries which resulted in both in and out patient treatment. The injury was reported to the Directorate of Occupation Safety and Health offices Uasin Gishu County where the injury was processed

for compensation under Work Injury Benefits Act (WIBA), and an assessment was made of Ksh.158,912.

3. The Respondent was notified of the assessment but has neither settled nor filed an objection or appealed against the assessment.
4. The applicant prays for adoption of the assessment of the Director as a judgment of this Court.
5. The applicant filed a copy of DOSH Form 1 reporting the Accident by the Respondent which also bears the assessment dated 6th July 2022. A notice to the Respondent dated 14th February, 2023 and another one dated 8th November, 2022 are appended to the Applicants Supporting Affidavit. So are the treatment records.
6. Having considered the application, I am satisfied that the Applicant was injured while in the course of duty working for the Respondent.
7. I am satisfied with the assessment by the Directorate of Occupational Safety and Health.
8. The assessment is adopted as an order of this court and judgment is accordingly entered for the Applicant against

the Respondent in the sum of Ksh.158,912 together with interest at court rates from date of filing the application in court. Costs to Applicant.

**DATED, DELIVERED AND SIGNED
THIS 25TH DAY OF NOVEMBER, 2025.**

**M. ONYANGO
JUDGE**