



Sierra Flora Limited v Kenya Plantation & Agricultural Workers Union (Miscellaneous Application E064 of 2025) [2025] KEELRC 3527 (KLR) (10 December 2025) (Ruling)

Neutral citation: [2025] KEELRC 3527 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
MISCELLANEOUS APPLICATION E064 OF 2025**

J RIKA, J

DECEMBER 10, 2025

BETWEEN

SIERRA FLORA LIMITED APPLICANT

AND

**KENYA PLANTATION & AGRICULTURAL WORKERS
UNION RESPONDENT**

RULING

1. The Applicant seeks through this Miscellaneous Application, an order of temporary injunction, restraining the Respondent, its officials, agents, servants and or members, from engaging in, continuing, or inciting any strike, work stoppage, picketing or any other industrial action at the Applicant's premises.
2. It also seeks an order of permanent injunction, restraining the Respondent and the same persons named above, from engaging in any unprotected strike or industrial action in violation of the Recognition Agreement and the Collective Bargaining Agreement.
3. The Court is asked to direct that the Respondent calls off the ongoing strike and direct all Employees to resume normal duties.
4. The Application is founded on the Affidavit of Applicant's Human Resource Manager, Judellen Namweya, sworn on 9th December 2025.
5. The Court does not think that the issues raised by the Applicant, and the orders sought, can appropriately be dealt with, through a Miscellaneous Application.
6. Whether the Respondent and its members have engaged in an unprotected strike, and whether the Court should grant an order of permanent injunction as sought, are substantive issues, that require



the Applicant to present a full Claim, and if provisional measures are needed, to make its Application within an existing Claim.

7. The dispute touches of interpretation and application of the *Labour Relations Act*, the Recognition Agreement and CBA executed by the Parties, and cannot be fully dealt with, through a Miscellaneous Application.
8. Miscellaneous Applications are presented mainly on secondary disputes such as those relating to costs, or enforcement of alternative dispute resolution agreements under Rule 69 of the E&LRC [Procedure] Rules. They are not proper where there are triable issues, requiring adducing of evidence by the parties, issues such as whether a strike is unprotected, and whether permanent injunction is merited.
9. It is ordered:-
 - a. The Miscellaneous Application filed herein is struck out.
 - b. The Applicant is at liberty to file and serve a Statement of Claim upon the Respondent, and make any necessary interlocutory application, within that Claim.
 - c. No order on the costs.
 - d. This file is closed.

DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAKURU, THIS 10TH DAY OF DECEMBER 2025.

JAMES RIKA

JUDGE

