



**Chabra v Bhogals Garage Limited (Cause E105 of 2025)
[2026] KEELRC 245 (KLR) (30 January 2026) (Ruling)**

Neutral citation: [2026] KEELRC 245 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE E105 OF 2025
J RIKA, J
JANUARY 30, 2026**

BETWEEN

BAL KRISHAN CHABRA CLAIMANT

AND

BHOGALS GARAGE LIMITED RESPONDENT

RULING

1. The Respondent sought from the Court orders, through an application dated 28th January 2025, that it is granted extension of time, within which to respond to the Claim.
2. The Court was asked to grant the Respondent 12 weeks extension, from the date of giving the orders, for the Respondent to file its Statement of Response.
3. The Notice of Summons and the Statement of Claim, are shown to have been served upon the Respondent, on 23rd January 2025.
4. In a ruling delivered on 29th August 2025, the application was declined, with an order that the Respondent files and serves its Statement of Response, within 14 days of the ruling. In default, the Claim was to be scheduled for formal proof.
5. In effect, the Court granted the Respondent leave to file its Statement of Response out of time, considering that Notice of Summons and the Statement of Claim, were received by the Respondent way back on 23rd January 2025.
6. The Respondent has instead, filed another application dated 24th September 2025, asking the Court to strike out the Claim, or transfer the same to the High Court.
7. Founded on the affidavit of its Director, Harbinder Singh Bhogal, sworn on 24th September 2025, the application states that there was no employer-employee relationship between the Parties.



8. Parties agreed that the application is considered and determined on the strength of their submissions. They confirmed filing and exchange of submissions at the last appearance before the Court, on 27th November 2025.

The Court Finds: -

9. The question whether there existed an employer-employee relationship between the parties, is a triable issue, which calls for a substantive hearing. It is not a question which is to be answered preliminarily, or transferred for determination by the High Court, as proposed by the Respondent.
10. To establish whether the Claimant was a Director, or an Employee of the Respondent, requires that both parties bring evidence before the Court, to establish their respective positions.
11. It is not clear if the Respondent filed its Statement of Response as ordered by the Court, in the earlier ruling. The question raised in the current application ought to have been part of the Statement of Response.
12. The Court noted in the earlier ruling that the Respondent appears not to have entered appearance. It just presented a notice of appointment of Advocates. Rather than enter appearance and file a Statement of Response in accordance with the E&LRC [Procedure] Rules, 2024, the Respondent has filed applications.
13. There is no merit to the current application.

It Is Ordered: -

- a. The application is declined.
- b. The Claimant is at liberty to prosecute the Claim in accordance with the E&LRC [Procedure] Rules, 2024.
- c. Costs of the application to the Claimant.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, UNDER RULE 68[5] OF THE E&LRC [PROCEDURE] RULES, 2024, THIS 30TH DAY OF JANUARY 2026.

JAMES RIKA

JUDGE

