



Dennis v Hongkong Centre Investment (K) Co Ltd & another (Miscellaneous Application E021 of 2025) [2026] KEELRC 202 (KLR) (29 January 2026) (Ruling)

Neutral citation: [2026] KEELRC 202 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
MISCELLANEOUS APPLICATION E021 OF 2025**

**BOM MANANI, J
JANUARY 29, 2026**

BETWEEN

GISEMBA OANDO DENNIS APPLICANT

AND

HONGKONG CENTRE INVESTMENT (K) CO LTD 1ST RESPONDENT

DIRECTORATE OF OCCUPATIONAL HEALTH AND SAFETY

SERVICES 2ND RESPONDENT

RULING

Background

1. The Claimant filed the application dated 30th January 2025 asking the court to adopt the award which was rendered by the Director of Occupational Health and Safety Services (the Director) on 24th October 2024 as a judgment of the court. The 1st Respondent filed a replying affidavit dated 11th April 2025 opposing the application. It contends that the application is incompetent and bad in law.
2. The 1st Respondent also filed the application dated 11th April 2025 in which it prays for an order to join GA Insurance Company Limited as a Respondent to the cause. It further prays that the said insurance company be held liable to settle the Claimant's claim.
3. The 1st Respondent asserts that it has a valid insurance cover with the aforesaid insurance company to take responsibility for the liability in question. As such, it contends that the insurance company should shoulder responsibility for the claim.
4. The Claimant has opposed the application. He contends that the insurance company in question has no interest in the instant dispute. He further avers that whether the 1st Respondent has an insurance cover with the insurance company is not an issue which the court should interrogate at this point since he cannot possibly enforce the Director's award against the said insurance company.



Analysis

5. I have considered the varying viewpoints by the parties on the matter. It is clear to me that the Claimant's request to the court is limited to adoption of the Director's award under the [Work Injury Benefits Act](#). In law, the court is not entitled to address any other matter other than whether it should adopt or decline to adopt the award as its judgment and whether it can entertain applications for review of such orders once they have been issued (see *Charles v Cheto* [2025] KECA 784 (KLR)). As such, the 1st Respondent's plea that the court brings on board the proceedings its insurance company for purposes of settlement of the award is misplaced.
6. In any event, the award by the Director is against the 1st Respondent and not its insurers. As such, there is no legitimate basis upon which the insurance company can be made a party to the enforcement proceedings.
7. The 1st Respondent has the freedom to seek to enforce the insurance contract between it and the insurance company with respect to this claim. However, that should be the subject of separate declaratory proceedings. It cannot be conflated with the instant process for adoption.
8. In arriving at this conclusion, I have considered other decisions by the court in which similar requests have been declined (see *Kiogora v Imetha Water & Sanitation Co. Ltd & another* [2023] KEELRC 538 (KLR)).

Determination

9. The upshot is that the application dated 11th April 2025 fails.
10. Each party to bear own costs for the application.

DATED, SIGNED AND DELIVERED ON THE 29TH DAY OF JANUARY, 2026

B. O. M. MANANI

JUDGE

In the presence of:

..... for the Applicant

..... for the Respondent

Order

In light of the directions issued on 12th July 2022 by her Ladyship, the Chief Justice with respect to online court proceedings, this decision has been delivered to the parties online with their consent, the parties having waived compliance with Rule 28 (3) of the ELRC Procedure Rules which requires that all judgments and rulings shall be dated, signed and delivered in the open court.

B. O. M MANANI

