



REPUBLIC OF KENYA



KENYA LAW
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**Onyaka v Bungoma Line Safari Limited (Civil Miscellaneous Application
E011 of 2025) [2026] KEELRC 181 (KLR) (29 January 2026) (Ruling)**

Neutral citation: [2026] KEELRC 181 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT BUNGOMA
CIVIL MISCELLANEOUS APPLICATION E011 OF 2025**

**DN NDERITU, J
JANUARY 29, 2026**

BETWEEN

CHRISPINUS KIBARU ONYAKA APPLICANT

AND

BUNGOMA LINE SAFARI LIMITED RESPONDENT

RULING

1. In a notice of motion (the application) dated 9th December 2025 the applicant is seeking for the following orders –
 - a. That this application be certified as extremely urgent.
 - b. That the court be pleased to adopt the assessment of the Director of Occupational Health and Safety, Bungoma County as an order of the court.
 - c. That a decree be issued in accordance with the assessment of the Director of Occupational Health and Safety, Bungoma County for the sum of Kenya Shillings Two million, three hundred and forty-seven thousand nine hundred shillings only. (2,347,900/=).
 - d. That costs of the application be paid by the respondent.
2. The application is expressed to be brought under the provisions of Section 26(4) of the [Work Injury Benefits Act](#) (WIBA). It is supported with the affidavit of the applicant sworn on even date with several annexures thereto.
3. The respondent was duly served as per the affidavit of service on record but did not enter appearance or defend the application.
4. Consequently, counsel for the applicant requested the court to allow the application as prayed.



5. The court has gone through the application alongside the supporting affidavit and the annexures thereto. The applicant was an employee of the respondent as a driver of motor vehicle KCJ 682 U when the same was involved in a road traffic accident on 12th October 2023.
6. The accident was reported to the respondent and subsequently to the Director of Occupational Safety and Health Services (DOSHS) at Bungoma.
7. The claim was assessed by DOSHS at Kshs2,347,900/= as per Form DOSHS/WIBA Form 4 attached to the supporting affidavit and the award was served upon the respondent.
8. A Police Abstract Form on the accident is also attached to the application.
9. The injuries occasioned to the applicant in the accident were assessed and the award made based on the same and his salary as per DOSHS Form 1 attached to the application.
10. There is evidence on record in the form of an affidavit of service that the respondent was duly served with the application but opted not to participate in the proceedings.
11. The court is satisfied that the applicant has proved his case and the application is allowed as prayed.
12. Consequently, the award by DOSHS to the applicant in the sum of Kshs2,347,900/= is hereby adopted as a judgment of this court.
13. The applicant is also awarded costs of the application.
14. The above award shall earn interest at court rates from the date of this ruling till payment in full.
15. The costs shall be taxed in the usual manner.

DELIVERED VIRTUALLY, DATED, AND SIGNED AT KAKAMEGA THIS 29TH DAY OF JANUARY 2026.

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DAVID NDERITU

JUDGE

