



**Kenya Aviation Workers Union v Kenya Airways Limited (Civil Application E334 of 2025) [2026] KECA 198 (KLR) (6 February 2026) (Ruling)**

Neutral citation: [2026] KECA 198 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPLICATION E334 OF 2025  
W KARANJA, JA  
FEBRUARY 6, 2026**

**BETWEEN**

**KENYA AVIATION WORKERS UNION ..... APPLICANT**

**AND**

**KENYA AIRWAYS LIMITED ..... RESPONDENT**

*(Being an application for enlargement of time and leave to serve a record of appeal against the judgment and decree of the Employment and Labour Relations Court (J. Rika, J.) dated 10th June 2022 in ELRC Case No. 1448 of 2015)*

**RULING**

1. Kenya Aviation Workers Union, the applicant, has moved this Court vide an application dated 16<sup>th</sup> May 2023 for an order of extension of time to file and serve a record of appeal against the judgment and decree of Mr. Justice Rika dated 10<sup>th</sup> June 2022. The said judgment dismissed the appellant's claim for damages for wrongful dismissal of its members.
2. I have gone through the application, the replying affidavit and the submissions by both parties. Of interest is a ruling by my brother Kathurima M'Noti, Judge of Appeal, dated 11<sup>th</sup> October 2024 in which he dismissed an application for extension of time filed by the same party against the same judgment.
3. Being dissatisfied with the dismissal, the applicant moved the Court by way of reference to full court under Rule 57 of the Court of Appeal Rules. The reference was dismissed on 20<sup>th</sup> December 2024 by a full Court. The ruling dismissing the reference is also annexed to the respondent's affidavit.
4. That the applicant can come back to this Court seeking the same orders amounts indubitably to gross abuse of the court process.



5. The application having been determined on merit by a full court is res-judicata and cannot be entertained. The same is hereby dismissed with costs to the respondent.

**DATED AND DELIVERED AT NAIROBI THIS 6<sup>TH</sup> DAY OF FEBRUARY 2026.**

**W. KARANJA**

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**JUDGE OF APPEAL**

I certify that this is a true copy of the original.

Signed

**DEPUTY REGISTRAR.**

