

**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT MOMBASA**

**CASE NUMBER: ELRCPET/E016/2025**

**WESTERN HUMAN RIGHTS FORUM**

**AND NICHOLAS OLOO.....PETITIONERS**

**VS**

**REVITAL HEALTHCARE (EPZ) LTD**

**AND REGISTRAR OF TRADE UNIONS AND 2**

**OTHERS.....RESPONDENTS**

**RULING**

1. Before this Court is a Notice of Motion Application dated 23rd May 2025, which was filed contemporaneously with the Petition. The application seeks, pending the hearing and determination of the Petition, that the Respondents be ordered to deposit the information and documents sought in the Petition.
2. The Application is opposed by the 1st Respondent on the grounds of the opposition dated 30th May 2025.
3. Following the directions of this Court, the parties have filed their respective submissions.

**Determination**

4. The Court has considered the Notice of Motion, the grounds in support thereof, and the affidavit in support, the grounds of opposition on record, and the respective submissions by the parties. The principal issue arising is whether the orders sought can properly be granted at this interlocutory stage.
5. It is a well-established principle that interlocutory applications are intended to preserve the subject matter in dispute pending the hearing and determination of the main suit. They are not intended to dispose of the substantive issues or to grant final remedies, which are the subject of the main proceedings. To do so would prejudice the opposing party and undermine the procedural safeguards inherent in a full trial.
6. In the present case, the Court finds that the application does not merely seek preservatory or interim relief, but rather invites the Court to make definitive findings and grant substantive remedies that go to the heart of the Petition. Granting the orders sought would therefore amount to determining the Petition at an interlocutory stage, which is impermissible.
7. In the circumstances, the Court declines to grant the orders sought in the application. The issues raised therein shall be canvassed and determined in the Petition upon full hearing.
8. Accordingly, the Application is dismissed.

**Read Signed and Delivered this 23rd Day of April 2026.**

**OCHARO KEBIRA**  
**JUDGE**