



**Uplands Crops Limited v Wellington (Civil Application  
E028 of 2023) [2024] KECA 466 (KLR) (18 April 2024) (Ruling)**

Neutral citation: [2024] KECA 466 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAKURU  
CIVIL APPLICATION E028 OF 2023**

**JM MATIVO, JA**

**APRIL 18, 2024**

**BETWEEN**

**UPLANDS CROPS LIMITED ..... APPLICANT**

**AND**

**MICHAEL WELLINGTON ..... RESPONDENT**

*(Application seeking leave to appeal out of time against the judgment  
of Employment & Labour Relations Court at Nakuru (H. Wasilwa,  
J) delivered on 6th December 2023 in E&LRC Case No. 518 of 2014)*

**RULING**

1. Uplands Crops Limited (the applicant), in its application dated 24<sup>th</sup> March 2023 seeks leave to appeal out of time against the judgment of Hon. Lady Justice Wasilwa delivered on 6<sup>th</sup> December 2023 in Nakuru ELRC Cause 518 of 2014. The application is brought under Article 159 of *the Constitution*, sections 3A of the *Appellate Jurisdiction Act* and Rule 4 of the *Court of Appeal Rules*, 2022.
2. The application is supported by grounds on the face of the application and the supporting affidavit of Mr. Samuel Michael Onyango, the applicant's advocate on record. In opposition to the application, the respondent filed a Replying Affidavit sworn on 13<sup>th</sup> July 2023.
3. As the record shows, by an application dated 7<sup>th</sup> February 2023, the Respondent sought to have the Applicant's Notice of Appeal struck out for being filed out of time. The instant application came up for hearing on 20<sup>th</sup> July 2023, and Lady Justice Sichale, JA took out the same from the day's cause list pending the outcome of the Ruling of Court in Civil Application No. E013 of 2023.
4. Vide a Ruling delivered on 23<sup>rd</sup> February 2024, the aforesaid application was allowed and the Applicant's Notice of Appeal was struck out. Consequently, the instant application is a non-starter. Accordingly, the application dated 24<sup>th</sup> March 2023 is dismissed with no orders as to costs.



**DATED AND DELIVERED AT NAKURU ON THIS 18<sup>TH</sup> DAY OF APRIL, 2024.**

**J. MATIVO**

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**JUDGE OF APPEAL**

I certify that this is a true copy of the original

Signed

Deputy Registrar

