



**Pempe v County Government of Mombasa (Miscellaneous Application
E003 of 2025) [2025] KEELRC 1579 (KLR) (22 May 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1579 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA
MISCELLANEOUS APPLICATION E003 OF 2025**

K OCHARO, J

MAY 22, 2025

BETWEEN

MKUU MOHAMMED PEMPE APPLICANT

AND

COUNTY GOVERNMENT OF MOMBASA RESPONDENT

RULING

1. By the Notice of Motion application dated 15th January 2025, the Applicant seeks that this Court transfers Mombasa CMCELR cause No. 346 of 2021 from the Magistrates' court to itself for hearing and final disposal.
2. The application is premised on the grounds set out on the face of the application, and the affidavit in support thereof, sworn by the Applicant on 15th January 2025.
3. The Respondent didn't file a replying affidavit or grounds of opposition to the application.
4. The Applicant contends that transferring the suit to this court shall aid in an expedited hearing and disposal of the same. Furthermore, her claim raises an issue of discrimination, which falls outside the jurisdiction of the Magistrates' court to determine.

Determination.

4. Like suits, applications only succeed when their merit has been demonstrated. The fact that an application is not challenged in one of the ways the law provides does not guarantee the applicant an automatic success in the application. It is through this lens that I consider the Applicant's current application.
5. I have carefully considered the Applicant's pleadings filed before the magistrates' court and found it difficult to see any sufficient reason that could serve as a basis for a transfer of suit order. The body



and reliefs section of her memorandum of claim dated 20th May 2021 does not explicitly or implicitly indicate that the whole or part of her claim is anchored on an allegation of discrimination or that it seeks a relief arising from alleged discrimination.

6. In the upshot, I find the application lacking in merit. It is hereby dismissed.
7. This file is marked closed.
8. Orders accordingly.

READ, SIGNED AND DELIVERED VIRTUALLY IN MOMBASA THIS 22ND DAY OF MAY, 2025.

OCHARO KEBIRA

JUDGE

