



**E-Kati Hauliers Limited v Muteti (Miscellaneous Application
E012 of 2025) [2025] KEELRC 1796 (KLR) (19 June 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1796 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MALINDI
MISCELLANEOUS APPLICATION E012 OF 2025**

**K OCHARO, J
JUNE 19, 2025**

BETWEEN

E-KATI HAULIERS LIMITED APPLICANT

AND

RICHARD MUTINDA MUTETI RESPONDENT

RULING

1. By the Notice of Motion application dated 7TH May 2025, the Applicant sought that this Court order the transfer of Employment Cause No. E005 of 2023 and E. OO6 OF 2023 pending before the Principal Magistrate's Court at Kaloleni, Kilifi County, to the Chief Magistrate's Court at Makindu, Makueni County.
2. The application is anchored on the prime ground that the cause of action arose in Emali Town within the jurisdiction of the Makindu Chief Magistrate's Court, and that the Respondent conducts its transportation business and has its Headquarters at Emali Town, Makueni County.
3. The Respondents vehemently oppose the application.
4. I have carefully considered the application, the grounds on which it is premised, the supporting affidavit, and the replying affidavit. Without hesitation, I state that the application is a good candidate for failure.
5. Rule 6 of the Employment and Labour Relations Court [Procedure] Rules, 2024 allows the Claimant, Petitioner or Applicant, as the case may be, to initiate a suit at the registry with respect to the County where he or she resides or carries on business or personally works for gain. The Applicant's application is ignorant of this progressive and equitable provision. The tragedy of it is that it relies on the stipulations of Section 15[1] of the *Civil Procedure Act*, which are radically different from those of the Rule.



6. Essentially, the application does not recognise that the Rules of this Court have been drafted and implemented under the authority of the Employment and Labour Relations Court, a subsequent Act of Parliament relative to the *Civil Procedure Act*.

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

READ, SIGNED AND DELIVERED VIRTUALLY IN MOMBASA THIS 19TH JUNE, 2025.

OCHARO KEBIRA

JUDGE

