



**Kiprono v Mogogosiek Tea Factory (Appeal E003 of 2022)  
[2024] KEELRC 637 (KLR) (20 March 2024) (Directions)**

Neutral citation: [2024] KEELRC 637 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KERICHO  
APPEAL E003 OF 2022  
DN NDERITU, J  
MARCH 20, 2024**

**BETWEEN**

**BETT BEOFFREY KIPRONO ..... APPELLANT**

**AND**

**MOGOGOSIEK TEA FACTORY ..... RESPONDENT**

**DIRECTIONS**

1. When the court retreated to write a judgment in this appeal, which is in a series of eight (8) appeals, I noted that the original trial lower court file is not enclosed or attached to this appeal file.
2. Efforts in calling out for the lower court trial file have yielded naught.
3. Further, probably due to mix-up in the files in the aforesaid series, this appeal bears no record of appeal or submissions by counsel.
4. In the circumstances, it is not possible for this court to render a judgment in this appeal, hence the following directions –
  - i. Since the anomalies noted above are not attributable to the appellant but may to his counsel and the court registry, in the interest of justice, the court shall not take the draconian step of striking the appeal for being incompetent.
  - ii. The Deputy Registrar shall ensure that the lower court trial file is availed and attached to this file within 7 days hereof.
  - iii. Counsel for the appellant shall ensure that the record of appeal and all the other materials, including the purportedly filed submissions are placed in the file within 30 days hereof.
  - iv. Counsel for the respondent to ensure that his written submissions are placed on record within 30 days hereof.



v. Mention on 11<sup>th</sup> June, 2024 for further orders and or directions.

**DELIVERED VIRTUALLY, DATED, AND SIGNED AT NAKURU THIS 20<sup>TH</sup> DAY OF MARCH, 2024.**

.....

**DAVID NDERITU**

**JUDGE**

