



**Rotich v Mogogosiek Tea Factory (Appeal E004 of 2022)
[2024] KEELRC 719 (KLR) (20 March 2024) (Directions)**

Neutral citation: [2024] KEELRC 719 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KERICHO
APPEAL E004 OF 2022
DN NDERITU, J
MARCH 20, 2024**

BETWEEN

DAVID KIPLANGAT ROTICH APPELLANT

AND

MOGOGOSIEK TEA FACTORY RESPONDENT

DIRECTIONS

1. When the court retreated to write a judgment in this appeal, I made the following observations -
 - i. The memorandum of appeal dated 27th June, 2022 purports to challenge two rulings, One by Hon. E.K. Makori (CM) purportedly delivered on 15th June, 2022 and a second one by Hon. S.M. Mokua (CM) purportedly delivered on even date.
 - ii. The prayer in the memorandum of appeal is for settling aside of the ruling by HON. E.K. Makori (CM).
 - iii. The submissions by counsel for the appellant relate to the ruling by Hon. S.M. Mokua (C.M), while the submissions by counsel for the respondent are in regard to both the ruling by Hon. E.K. Makori (CM) and Hon. S. M. Mokua (CM).
2. The foregoing mistakes and or anomalies are not attributable to the appellant but to his counsel.
3. While the court has the option of taking the draconian step of striking out the appeal for being incompetent, in the interest of justice and fairness the appellant is granted leave to amend the memorandum of appeal and file a supplementary record of appeal.
4. The court issues the following directions –
 - i. The appellant shall file and serve an amended memorandum of appeal and supplementary record of appeal within 30 days hereof.



ii. Mention on 11th June, 2024 for further orders and or directions.

DELIVERED VIRTUALLY, DATED, AND SIGNED AT NAKURU THIS 20TH DAY OF MARCH, 2024.

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DAVID NDERITU

JUDGE

