



**Luvinzu v Timsales Limited (Miscellaneous Civil Application
E069 of 2023) [2024] KEELRC 513 (KLR) (7 March 2024) (Directions)**

Neutral citation: [2024] KEELRC 513 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
MISCELLANEOUS CIVIL APPLICATION E069 OF 2023**

DN NDERITU, J

MARCH 7, 2024

BETWEEN

MUGALUSIA GEOFFREY LUVINZU APPLICANT

AND

TIMSALES LIMITED RESPONDENT

DIRECTIONS

1. In a notice of motion dated 18th October, 2023 filed in court on 19th October, 2023, the applicant is seeking for enforcement of an award of the Directorate of Health and Occupational Safety under the [Work Injury Benefits Act](#) (WIBA) against the respondent in the sum of Kshs.460,895.50 and an order that the said award be settled forthwith.
2. In a notice of motion dated 14th November, 2023 filed in court on 17th November, 2023 the respondent is seeking to stay the proceedings herein meaning the application in paragraph 1 above, pending the hearing of its application which is essentially seeking that the time for filing an objection to the award with the director be enlarged.
3. The award by the director was made on 27th October, 2020.
4. On 13th December, 2023 the court directed that the two applications shall be heard separately and distinctly in view of the orders sought in each one of them.
5. The court directed that the applications be canvassed by way of written submissions and the rulings, on the two applications, are slated for 4th April, 2024.
6. While the court was considering the two applications the respondent filed an application dated 28th February, 2024 seeking, inter alia, that the ruling in regard to its application dated 14th November, 2023 be delivered first ahead of that of the applicant in the application dated 18th October, 2023.



7. In my view the application by the respondent dated 27th February, 2024 does not add any value to the directions that the court gave on 13th December, 2023, as naturally the application by the respondent has to be considered before the one by the applicant as the latter one is in disposal of the entire matter which procedurally cannot be done as it would leave the other application pending nothing.
8. The court clearly indicated in the directions of 13th December, 2023 that the two applications are separate and distinct and are to be decided as such.
9. In the circumstances, the court shall proceed to determine the two applications as directed and both the rulings are slated for 4th April, 2024.
10. In the circumstances, the application by the respondent dated 27th February, 2024 is rendered superfluous and of no consequences and merely academic.

DELIVERED VIRTUALLY, DATED, AND SIGNED AT NAKURU THIS 7TH DAY OF MARCH, 2024.

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DAVID NDERITU

JUDGE

