



**Murbe v Libya Oil Kenya Limited (Cause 288 of 2019)
[2024] KEELRC 1429 (KLR) (13 June 2024) (Ruling)**

Neutral citation: [2024] KEELRC 1429 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 288 OF 2019
NZIOKI WA MAKAU, J
JUNE 13, 2024**

BETWEEN

ABBAS ALI MURBE CLAIMANT

AND

LIBYA OIL KENYA LIMITED RESPONDENT

RULING

1. The Claimant filed an application dated 15th March 2024 in which he sought leave to amend his claim dated 21st February 2019. He sought further leave to file a supplementary witness statement, a supplementary list of witnesses as well as a supplementary bundle of documents in support of his case. The Respondent was opposed stating that the application was wholly misconceived and that it was fatally defective and amounts to an abuse of the court process. The Respondent asserts the Claimant is seeking leave of the court to make amendments that are time-barred by operation of law as he seeks to introduce a new cause of action outside the 3 year limitation period per section 90 of the *Employment Act*. It was urged that no good reason had been shown for the inordinate delay in making the application proposing the amendments. The Respondent thus urged the dismissal of the application with costs.
2. This proposed amendment cannot stand. The Claimant seeks to alter his cause of action and instead of seeking reliefs related to the initial claim he filed, he now seeks to introduce the issue of a secondment to Chad. All the issues relate to the year 2016 and 2017 long before the suit was filed. As such, to permit the introduction of fresh claims contrary to the provisions of section 90 of the *Employment Act* would be farcical and therefore disallowed. The application is dismissed with no order as to costs. The parties will after this Ruling be given a date for pre-trial directions in order to ready this very old case for hearing.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 13TH DAY OF JUNE 2024



NZIOKI WA MAKAU
JUDGE

