



**Oluoch v Mehta Electricals Limited (Appeal E065 of 2021)
[2023] KEELRC 171 (KLR) (31 January 2023) (Ruling)**

Neutral citation: [2023] KEELRC 171 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
APPEAL E065 OF 2021
J RIKA, J
JANUARY 31, 2023**

BETWEEN

PATRICK OUMA OLUOCH APPELLANT

AND

MEHTA ELECTRICALS LIMITED RESPONDENT

RULING

1. The Appellant’s Counsel appeared before the Court on 30th June 2022, and informed the Court that the Record of Appeal is ready. He proposed to file Submissions within 21 days. It was confirmed that the Appellant filed his Submissions, during the last Court appearance on 29th September 2022, while the Respondent undertook to file its Submissions within 7 days. Parties were advised that Judgment would be delivered on notice.
2. Unfortunately, the Court has not been able to meet its promise. In the course of preparing the Judgment, it has come to the attention of the Court that there is no Record of Appeal in the physical file. There just are loose papers, all over the file, one titled ‘Record of Appeal.’ It is followed by an ‘Index To The Record of Appeal,’ and a ‘Memorandum of Appeal.’ Beyond this there is nothing in the Record. There are no Pleadings, Proceedings, Documents, and Judgment of the Trial Court.
3. The Appellant desires to have the Judgment of the Court, but has quite clearly, not done his part, to make it possible for the Court to prepare and deliver its Judgment. Without a Record of Appeal, there is no Judgment for the Court to prepare and deliver. The Appellant should prepare a proper Record of Appeal, with the Pleading, Proceedings, Documents and Judgment of the Trial Court, bound in one paginated and marked Record. The Appeal as filed and forwarded to the undersigned Judge for preparation and delivery of Judgment, is incomplete.

It is ordered: -

- a. The file is reverted to the Registry.



- b. Parties shall move the Court when a bound, clearly paginated and marked Record of Appeal is ready.
- c. The order made on 29th September 2022 is set aside.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY, AT NAIROBI,
UNDER THE MINISTRY OF HEALTH AND COVID-19 GUIDELINES, THIS 31ST DAY OF
JANUARY 2023.**

JAMES RIKA

JUDGE.

