

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR

RELATIONS COURT

AT NAIROBI

MISCELLANEOUS APPLICATION NO E042 OF 2021

BETWEEN

SAMMY OKONDA MUKOLWE.....APPLICANT

VERSUS

LINO TYPESETTERS [K] LIMITED.....RESPONDENT

RULING

1. The Applicant seeks transfer of Nairobi C.M.C.C No. 7115 of 2015 to the E&LRC Nairobi. The Claim in the Chief Magistrate's Court, was filed by the Applicant against the Respondent, seeking work injury benefit.
2. It was heard and determined by the Chief Magistrate's Court.
3. In a Ruling made on 5th February 2021, the Trial Court held it has no jurisdiction.
4. There is therefore nothing pending before the Chief Magistrate's Court, to be transferred to the E&LRC.
5. Even if there was, the E&LRC itself, is not the right forum to hear primary work injury disputes under the relevant Act.

IT IS ORDERED: -

a. The Miscellaneous Application filed herein is declined.

b. No order on the costs.

Dated, signed and released to the parties electronically, under the Ministry of Health and Judiciary Covid-19 Guidelines at Nairobi, this 26th day of January, 2022.

James Rika

Judge