



**Ken-Knit Kenya Limited v Obwoye (Cause E020 of 2021)  
[2022] KEELRC 14731 (KLR) (30 March 2022) (Ruling)**

*Ken -Knit Kenya Ltd v Obwari Obwoye [2022] eKLR*

Neutral citation: [2022] KEELRC 14731 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT ELDORET**

**CAUSE E020 OF 2021**

**NJ ABUODHA, J**

**MARCH 30, 2022**

**BETWEEN**

**KEN-KNIT KENYA LIMITED ..... CLAIMANT**

**AND**

**OBWARI OBWOGE ..... RESPONDENT**

**RULING**

1. The motion dated 4<sup>th</sup> October, 2021 seeks orders among others that there be a stay of proceedings and delivery of judgment in respect of Eldoret CMMC No. 877 of 2017 pending hearing and determination of the intended appeal to this Court.
2. The application was premised on the ground that the Subordinate Court delivered a ruling on 26<sup>th</sup> February, 2021 dismissing the applicant's application dated 27<sup>th</sup> February, 2020 in which the applicant raised a preliminary to the jurisdiction of the subordinate Court to hear and determine and or deliver judgment in work injury claims.
3. The Lower Court (Hon. E. Kigen) in her ruling dismissing the objection stated that the suit in question was filed on 17<sup>th</sup> when the Court had jurisdiction as per the High Court's decision in Petition No. 185 of 2008. Guided by the above, the Supreme Court gave the directions that matters pending before the Court and based on the principle of legitimate expectation do proceed through the judicial process.
4. The learned Magistrate in my view correctly stated the position regarding jurisdiction to entertain WIBA matters that were pending before the Courts in reliance to Hon. Justice Ojwang's judgment which was subsequently overturned by the Court of Appeal. The decision of the Court of Appeal has since been upheld by the Supreme Court with the guidance that matters pending before the Courts based on Justice Ojwang's decision do proceed to conclusion under the principle of legitimate expectation.



5. If this be the issue intended to be canvassed in the intended appeal, then Counsel already knows the outcome of such appeal. This Court is bound by the decisions of Court's superior to it. That is to say Court of Appeal and the Supreme Court. It cannot rule differently.
6. In the circumstance, the application is found without merit and is hereby dismissed with costs.
7. It is so ordered.

**DATED AND DELIVERED AT ELDORET THIS 30TH DAY OF MARCH, 2022**

**ABUODHA NELSON JORUM**

**JUDGE ELRC**

