



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Orori v Great Yaduo Industry Limited (Miscellaneous Application  
E232 of 2021) [2022] KEELRC 1631 (KLR) (27 May 2022) (Ruling)**

Neutral citation: [2022] KEELRC 1631 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
MISCELLANEOUS APPLICATION E232 OF 2021**

**J RIKA, J**

**MAY 27, 2022**

**BETWEEN**

**FELIX MABEYA ORORI ..... APPLICANT**

**AND**

**GREAT YADUO INDUSTRY LIMITED ..... RESPONDENT**

**RULING**

1. The Applicant, invoking Order 51 Rule 1 of the *Civil Procedure Rules*, Sections 1A, 1B and 3A of the *Civil Procedure Act*, and all enabling provisions of the law, seeks to enforce the balance of Kshs. 342,796, in an award made in his favour, by the Director of Work Injury.
2. The Application is founded on the Affidavit sworn by the Applicant on 6<sup>th</sup> December 2021. It is opposed through the Affidavit of the Respondent's Director, Jianjun Chen, sworn on 11<sup>th</sup> February 2022.
3. It was agreed by the Parties that the Application is considered and determined on the strength of these Affidavits and Submissions. The Applicant filed his Submissions dated 18<sup>th</sup> February 2022, while none have been filed by the Respondent.

**The Court Finds: -**

4. The Rules and Sections of the *Civil Procedure Act*, invoked in presentation of this Application, have no application in the proceedings of the Employment and Labour Relations Court.
5. The Application is indicated as having been filed at 2 different Courts, the High Court, and the Employment and Labour Relations Court, both at Nairobi. An Application cannot be filed in 2 separate jurisdictions.



6. The Employment and Labour Relations Court, has only an appellate jurisdiction, under the Work Injury Benefit Act. It does not have jurisdiction to adopt as its Judgments, awards of the Director of Work Injury. It can only entertain appeals from such awards, and give Judgments on appeal.

It is ordered: -

- a. The Application is declined.
- b. No order on the costs.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAIROBI,  
UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, THIS 27<sup>TH</sup>  
DAY OF MAY 2022.**

**JAMES RIKA**

**JUDGE**

