



REPUBLIC OF KENYA



KENYA LAW
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**Wells Fargo Limited v Dzuya (Appeal 25 of 2020)
[2022] KEELRC 1424 (KLR) (19 May 2022) (Judgment)**

Neutral citation: [2022] KEELRC 1424 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA
APPEAL 25 OF 2020**

**AK NZEI, J
MAY 19, 2022**

BETWEEN

WELLS FARGO LIMITED APPELLANT

AND

THOMAS LWAMBI DZUYA RESPONDENT

(Appeal from the judgment of Hon. M. L. Nabibya – PM, delivered on the 24th July 2021 in Mombasa SRM’s Court Cause No. 322 of 2018))

JUDGMENT

1. The appeal herein is against the judgment of Mombasa Principal Magistrate (Hon MI Nabibya) delivered on 24th July 2020 in Mombasa Senior Resident Magistrate’s Court Cause No 322 of 2018.
2. The memorandum of appeal, dated August 18, 2020, is shown to have been filed in this court’s registry on August 24, 2020 and paid for on the same date vide a Court payment receipt No. a1051839 dated August 24, 2020.
3. Time for filing of an appeal from the Lower Court’s said judgment dated July 24, 2020 started running on July 25, 2020, and the appeal herein was filed on the 31st day from the date of the said judgment.
4. Rule 8(1) & (2) of the *Employment and Labour Relations Court (Procedure) Rules, 2016* provides:-

“(1) where any written law provides for an appeal to the court, an appellant shall file a memorandum of appeal with the court within the time specified for that appeal under the written law.

(2) where no period of appeal is specified in the written law under paragraph (1), an appeal shall be filed within thirty days from the date the decision was delivered.”



5. The appeal herein ought to have been filed within 30 days from the date of the Judgment appealed from. The upshot of the foregoing is that there is no valid appeal before me. Consequently, the appellants' appeal herein is hereby struck off with costs.

DATED, SIGNED AND DELIVERED AT MOMBASA THIS 19TH DAY OF MAY 2022

AGNES KITIKU NZEI

JUDGE

ORDER

In view of restrictions on physical Court operations occasioned by the COVID-19 Pandemic, this Judgment has been delivered via Microsoft Teams Online Platform. A signed copy will be availed to each party upon payment of Court fees.

AGNES KITIKU NZEI

JUDGE

Appearance:

.....for Appellant

.....for Respondent

