



**Jumbo North (EA) Ltd v Nyaanga (Miscellaneous Case E015 of 2021)
[2022] KEELRC 12906 (KLR) (14 October 2022) (Ruling)**

Neutral citation: [2022] KEELRC 12906 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT ELDORET
MISCELLANEOUS CASE E015 OF 2021
NJ ABUODHA, J
OCTOBER 14, 2022**

BETWEEN

JUMBO NORTH (EA) LTD CLAIMANT

AND

PATRICK MATIABE NYAANGA RESPONDENT

RULING

1. This court in its ruling delivered on October 29, 2021 dismissed a similar application for reasons elaborately detailed in the said ruling. It is therefore an abuse of the court process for counsel to bring the present application where the Court of Appeal to which he intends to appeal my ruling and the Supreme Court in the land has pronounced itself against the orders sought to be canvassed on appeal against my ruling. Of what use would be the orders of stay to the applicant if the fate of the journey to the Court of Appeal is already known to both counsel and the court? Is this not a clear case of abuse of the court process? The court thinks so.
2. The application is therefore struck out with costs as an abuse of the court process.
3. It is so ordered

DATED AND DELIVERED AT ELDORET THIS 14TH DAY OF OCTOBER, 2022.

ABUODHA NELSON JORUM

JUDGE ELRC

