



**Nanjira v Masai (K) Limited (Cause 094 of 2022)
[2022] KEELRC 13153 (KLR) (3 November 2022) (Ruling)**

Neutral citation: [2022] KEELRC 13153 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 094 OF 2022
AN MWAURE, J
NOVEMBER 3, 2022**

BETWEEN

DAVID JUMA NANJIRA APPLICANT

AND

MASAI (K) LIMITED RESPONDENT

RULING

1. The Claimant has made an application dated October 28, 2022 to transfer the claim to the Chief Magistrate’s Court Milimani for hearing and disposal.

Determination

2. Under gazette notice Vol CXX No 74 of 6024 issued on June 22, 2018 the Chief Justice appointed Magistrates of ranks of Senior Resident Magistrates and above to hear and determine employment disputes whose employees gross monthly salary is less than Kshs, 80,000/-.
3. The claimant salary was Kshs 30,000/-.
4. The Court is advised this is prudent to transfer this suit to the Chief Magistrate Court at Milimani Nairobi. The same is so ordered accordingly.

DELIVERED, DATED AND SIGNED IN NAIROBI THIS 3RD NOVEMBER, 2022.

ANNA NGIBUINI MWAURE

JUDGE

ORDER

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions



of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court had been guided by Article 159(2)(d) of the Constitution which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of Section 1B of the Civil Procedure Act (Chapter 21 of the Laws of Kenya) which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

ANNA NGIBUINI MWAURE

JUDGE

