

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NYERI

CAUSE NO. 49 OF 2013

MESHACK KIRIMI MWITHIMBU & 7 OTHERS.....CLAIMANTS

VERSUS

LIQUIDATOR NKUENE FARMERS CO-OPERATIVE

SOCIETY LIMITED & 16 OTHERS.....RESPONDENTS

RULING

1. The matter has come to the court from a decision of the Deputy Registrar Hon. Bosibori. The learned Deputy Registrar held that she had no jurisdiction since the parties had raised a matter that was beyond her mandate. I have perused the file and her determination as well as the decision in **Parbat & Company Limited v Kenyatta University [2000] eKLR** where Waki J. (as he then was) *held the special powers of the Registrar on execution are limited to formal orders and not to contentious applications. Those are not only expressly reserved for a judge by order 48 but also expressly left to the "Court" under section 34 of the Act.* The court is of the view that jurisdiction is reposed in this court as held by the learned Deputy Registrar. The court will invite parties to accordingly file their respective submissions on the issue in accordance with directions to be given after the Ruling.

It is so ordered.

Dated and delivered at Nyeri this 30th day of July 2019

Nzioki wa Makau

JUDGE

I certify that this is a

true copy of the Original

Deputy Registrar