



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI**

**MISC APPLICATION NO. 16 OF 2018**

**BONFACE KIOKO MUTISO.....APPLICANT**

**v**

**VICTORY CONSTRUCTION COMPANY LTD.....RESPONDENT**

**RULING**

1. The applicant instituted legal proceedings against the Respondent before the Chief Magistrates Court, being Nairobi CMCC No. 5464 of 2011, *Boniface Kioko Mutiso v Victory Construction Co. Ltd* on 14 November 2011.
2. In the suit, the applicant alleged breach of contract.
3. The applicant now seeks that the suit be transferred to this Court because of jurisdictional concerns and he cites Article 162 of the Constitution.
4. The application was served upon the Respondent but it did not bother to file any grounds in opposition.
5. Although the Chief Justice is given authority to designate certain Magistrates Court with authority to hear and determine causes of action anchored on the employment contract, no gazettelement has been done.
6. The Court therefore allows the application dated 13<sup>th</sup> February 2018, with costs being in the cause.

**Delivered, dated and signed in Nairobi on this 2<sup>nd</sup> day of March 2018.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimant      Mr. Sagini instructed by Ndemo Sagini & Co. Advocates

For Respondent    A.I. Onyango & Co. Advocates

Court Assistant    Lindsey