

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF
KENYA AT NAIROBI
CAUSE NUMBER 266 OF 2012

ISAAC SHIVACHI MUTOKA.....CLAIMANT

VERSUS

YALA TOWN COUNCIL.....RESPONDENT

RULING

1. The court has reviewed and considered the application for review dated 6th April, 2016 and is not satisfied that the application fits the parameters for review as set under the Employment and Labour Relations Courts Rules.
2. The argument by the claimant that when the learned Judge found that he was entitled to the reliefs sought meant all his prayers were to be granted seems to attack the finding of the learned trial Judge which should be subject of an appeal and not review.
3. The review as filed does not demonstrate any error on the face of the Judgment of Marete J or discovery of any material fact of which the claimant could not after exercise of due diligence not able to find prior to the hearing and final judgment in the matter. Besides the application has been filed almost three years after the judgment hence inordinately late.
4. The application is therefore found to be without merit and is hereby dismissed with costs.
5. It is so ordered.

Dated at Nairobi this 28th day of April 2017

Abuodha J. N.

Judge

Delivered this this 16th day of June 2017

In the presence of:-

Claimant in person present

Abuodha J. N.

Judge