



**REPUBLIC OF KENYA**

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

**CAUSE NO. 420 OF 2017**

**EDDIE BENARD ODHIAMBO.....CLAIMANT**

**v**

**MUMIAS SUGAR COMPANY LTD.....RESPONDENT**

**RULING**

1. The Memorandum of Claim and the accompanying motion were filed in Kisumu under certificate of urgency but because there is presently no judge sitting in Kisumu, the file was referred to this Court by the Deputy Registrar, Kisumu.

2. The applicant seeks

1. **THAT** for purposes of the record this application be certified urgent and be heard forthwith and ex-parte in the first instance.

2. **THAT** a temporary injunction do issue directed at the respondent, its employees, workers, agents and/or whomsoever jointly and severally restraining them from terminating the services of the claimant pending hearing and determination of this application.

3. **THAT** a temporary injunction do issue directed at the respondent, its employees, workers, agents and/or whomsoever jointly and severally restraining them from terminating the services of the claimant pending hearing and determination of this application.

4 **THAT** an order do issue lifting the suspension of the claimant pending the hearing and determination of this suit.

5. **THAT** costs of this application be provided for.

3. The Court has considered the grounds on the face of the motion and the supporting affidavit of Eddie Benard Odhiambo and allows proposed orders **1 and 2** pending further orders/directions by the Court in Kisumu (new judge reports on 1 December 2017).

4. The Court further directs that the Cause be taken back to Kisumu and that the applicant causes the Respondent to be served with copies of the pleadings, application and ruling and order before 11.00am on 14 November 2017.

5. Costs in the Cause.

**Delivered, dated and signed in Nakuru on this 13<sup>th</sup> day of November 2017.**

**Radido Stephen**

**Judge**

For Claimant

Bruce Odeny & Co. Advocates (not in Court)

For Respondent not yet served

Court Assistant Nixon