



**REPUBLIC OF KENYA**

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

**CAUSE NUMBER 1904 OF 2014**

**TRANSPORT WORKERS UNION.....CLAIMANT**

**VERSUS**

**CITY GENERAL STORES LTD.....RESPONDENT**

**RULING**

1. The Court has considered the notice of preliminary objection filed by the Claimant herein and is of the considered view that the same does not constitute in law a preliminary objection as the issues raised are contested and would require calling oral evidence or exchange of documents.
2. The Court relying on the principles governing preliminary objection as set out in the case of *Mukisa Biscuit Co. v. West End Distributors (1969) EA 696* hereby finds that the so called preliminary objections is unmerited and dismisses the same with costs.
3. It is so ordered

Dated at Nairobi this 13<sup>th</sup> day of February 2015

Abuodha J. N.

Judge

Delivered this 13<sup>th</sup> day of February 2015

**In the presence of:-**

.....for the Claimant and

.....for the Respondent.

Abuodha J. N.

Judge