



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT
AT NAIROBI
CAUSE NO. 1890 OF 2014

WILLIAM GICHAMBA KINYANJUI.....APPELLANT

VERSUS

DAVID NGUGI NG'ANG'A

ARTHUR NJIRIRI KIMUNYA

RAHAB MUMBI KAIRU (Sued as the Board of

KamanduraTarambana Water Trust).....RESPONDENTS

RULING

1. By a Notice of Motion dated 16th July, 2014 the respondent seeks an order of this Court striking out the appeal herein on grounds that the same was filed out of time without leave of Court.
2. From the record, the ruling appealed from was delivered on 24th May 2011 while the memorandum of appeal was filed on 15th September, 2011.
3. According to the certificate of delay on record, the proceedings herein were ready for collection on 3rd June, 2011 meaning the claimant had up to 30th July, 2011 to file his appeal.
4. The filing of the appeal on 15th September, 2011 without leave of Court was therefore contrary to section 79 G of the Civil Procedure Act with consequence that the appeal is hereby struck out as incompetent. The respondent shall have costs of the application.
5. It is so ordered.

Dated at Nairobi this 31st day of July 2015

Abuodha J. N.

Judge

Delivered this 2nd day of October 2015

In the presence of:-

.....for the Claimant

and

.....for the Respondent.

Abuodha J. N.

Judge