



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA AT NYERI
CAUSE NO. 56 OF 2013

IRENE MBARI NYAGA.....CLAIMANT

VERSUS

HON. ATTORNEY GENERAL ON BEHALF OF
MINISTRY OF HOME AFFAIRS.....RESPONDENT

RULING

1. The applicant in the ex-parte Originating Summons dated 11th February, 2013 seeks an order for extension of time to file a suit against the respondent. It would appear however that a similar application based on similar facts was filed at Meru as Misc. application number 21 of 2011.
2. This application at Meru was heard and determined by Hon. Justice Makau who came to the conclusion that 15 years delay in filing a suit was inordinate and that the applicant had not offered any reasonable explanation why it took her such a long time to file her suit.
 1. The present application before the court does not raise any new grounds or offer any new evidence why it took the applicant such a long time to file her suit.
 - 2.
4. The ruling by Hon. Justice Makau is by a judge of a concurrent jurisdiction and this court cannot sit on appeal over the same. The issues raised in the application are as it were res judicata and the applicant ought to have, if not satisfied with the findings of Hon. Justice Makau, appealed against the same to the Court of Appeal subject to limitation and rules of admission of the Court of Appeal.
5. The applicant may well have had a meritorious claim but a delay of 15 years is inordinate.
 1. This court having come to the conclusion that the issues raised in the motion before this court is res judicata, proceeds to strike out the same with no orders as to costs.
 - 2.
7. It is so ordered.
 - 1.

Dated at Nyeri this 14th day of January, 2014.

ABUODHA J. N.

JUDGE

Delivered in open Court in the presence of Applicant in person and in the presence of Mr. Muthuri for the Respondent.