



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**CORAM: KIAGE, J.A (IN CHAMBERS)**

**CIVIL APPLICATION NO. E411 OF 2020**

**BETWEEN**

**MILKA MUTHENI NDIU..... APPLICANT**

**AND**

**TECHNIK DIESEL LIMITED.....RESPONDENT**

*(An application to strike out the appeal filed by respondent on the 19th day*

*of December 2019, E.L.R.C Appeal No. 65 of 2019 and the ruling and orders*

*dated 23.9.2020 from the Judgment and Decree of the Chief Magistrate's Court (Senior*

*Resident Magistrate Hon. D.O. Mbenja) dated 26th day of April, 2019) in ELRC Cause No. 95 of 2018)*

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**RULING ON URGENCY**

Following my non-certification of the motion dated 16th December 2020 as urgent, the applicant who is in person has indicated that she is “not in agreement with the decision of a single Judge/Magistrate” and seeks to have it considered urgent and placed before a three Judge Bench in the interests of justice.

The motion I refused to certify urgent is, with respect, a curiosity that seeks to strike out an appeal filed, not before this Court, but one that was filed and is pending before the Employment and Labour Court. The description of the application, as captured in the title, speaks to its oddity.

I have restrained myself from making any comment on the motion beyond what I have stated. It is enough for me to say that nothing has been placed before me to change my mind. The application is not urgent and it shall be listed in the normal course of the business of the Court.

Order accordingly.

**DATED AT NAIROBI THIS 9<sup>TH</sup> DAY OF JULY, 2021.**

**P. O. KIAGE**

.....

**JUDGE OF APPEAL**

I certify that this is a  
true copy of the original.

Signed

**DEPUTY REGISTRAR**



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