



**REPUBLIC OF KENYA**

**IN THE INDUSTRIAL COURT OF KENYA AT KISUMU**

**CAUSE NO. 33/2013**

(formerly KSM HCC No. 43 of 2003)

(Before Hon. Justice Hellen Wasilwa on 29<sup>th</sup> November, 2013)

BEN JULIUS ACHILA ..... CLAIMANT

**-VERSUS-**

KIMA INTERNATIONAL SCHOOL OF THEOLOGY .....  
RESPONDENTS

**RULING**

The application before court was brought by respondents herein seeking orders of stay against this court's judgment and decree pending appeal. It is the respondents contention that they intend to file an appeal against this court's judgment and are ready to deposit the entire decretal sum in court which they have since deposited.

The claimant respondents were opposed to this application stating that they are being denied realizing the fruits of their judgment and that the applicants have not even filed any appeal and only want to seek to file an appeal out of time.

I have heard the parties herein. I note that the respondents have not filed any appeal since judgment was delivered in this case in July 2013 almost 4 months ago. To allow this application will be to deny the claimant his right of realizing the fruits of his judgment. I therefore decline to allow this application and I dismiss it accordingly.

**HELLEN WASILWA**

**JUDGE**

**29/11/2013**

**Appearances:-**

Claimant present in person

Odongo for respondents present

CC. Doreen