



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Appeal 535 of 2005**

MATHIAS N. OGAMA

**REBMAN AMBALO MALALA T/A UJENZI CONSULTANTS.....
APPELLANTS**

VERSUS

JOSEPH BULUMA OGAMA RESPONDENT

(Being an appeal from the ruling of the Honourable Court Milimani Commercial Court

CMC No.7490 of 2005 at Nairobi by Honourable Cheronno dated 15th July 2005.

BETWEEN

JOSEPH BULUMA OGAMA PLAINTIFF

VERSUS

MATHIAS NASUBO OGAMA 1ST DEFENDANT

REBMAN AMBALO MALALA

Both T/A UJENZI CONSULTANTS..... 2ND DEFENDANT

RULING

1: BACKGROUND OF APPLICATION

1. The applicant is the employer to the respondent. The parties relationship was that of master/servant.
2. On 29.7.03 the respondent/original plaintiff sued his employer the applicant original defendant for wrongful termination of his employment. He sort for the court to award him Ksh.455,800/- for his salary owed to him.
3. The trial magistrate awarded this sum and dismissed the applicants counter claim.
4. The respondent now is in the process of executing the said decretal sum. The applicant employer prays for a stay of execution pending the hearing of the appeal.
5. This court hereby grants the application. There be stay of execution on the magistrates orders

pending the hearing of the appeal

6. The costs be in the cause.

Dated this 23rd day of May 2006 at Nairobi.

M.A. ANG'WA

JUDGE

Lubulellah & Associates Advocates for the appellant

Ahmednasir, Abdikadir & Co. Advocates for the respondent- absent