



REPUBLIC OF KENYA



Ramadhan & another v Crown Petroleum (K) Limited (Employment and Labour Relations Cause E020 of 2025) [2025] KEELRC 2489 (KLR) (18 September 2025) (Judgment)

Neutral citation: [2025] KEELRC 2489 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA
EMPLOYMENT AND LABOUR RELATIONS CAUSE E020 OF 2025**

**K OCHARO, J
SEPTEMBER 18, 2025**

BETWEEN

HUSSEIN RAMADHAN 1ST CLAIMANT

SALIMA ABDALLA ABDILLAHI 2ND CLAIMANT

AND

CROWN PETROLEUM (K) LIMITED RESPONDENT

JUDGMENT

1. The Claimants initiated the suit herein as legal Representatives of the estate of the deceased, having obtained a limited grant of letters of administration ad litem for that purpose on 26th February 2025. They sought the following reliefs:
 - i. A declaration that the Respondent’s action of retaining the amount awarded is unlawful, unfair, and irregular.
 - ii. An order compelling the Respondent to pay Kshs . 3,786,336.
 - iii. Interest on [ii] above from the date of award.
 - iv. Costs of this claim.
2. Upon being served with summons to enter appearance, the defendant failed to appear or file a response to the Claimants’ claim within the stipulated time or at all. Consequently, this Court directed that the matter proceeds for formal proof. The matter then proceeded on 10th June 2025, when the 1st Claimant, Hussein Ramadhan, testified.
3. It was the Claimants’ case that at all material times, the deceased was an employee of the Respondent, who worked for them up to 23rd November 2023, when he was in an accident in the course of his employment, which resulted in his demise the following day.



4. Subsequently, the matter was reported to the Occupational Health and Safety Office via Claim Reference No. WIBA/MSA/15702/24.
5. Thereafter, the Occupational Health and Safety Officer, Mombasa, assessed compensation payable to the state of the deceased and awarded a sum of Kshs.3,786,336/= (Kenya Shillings three million, seven hundred and eighty six thousand, three hundred and thirty six). The assessment and the award were duly communicated to the Respondent.
6. The Respondent did not challenge the assessment and award by way of an appeal or any manner recognised in law. Despite the fact that the Director's decision remains unchallenged, the Respondent has deliberately refused and neglected to pay the awarded sum to the estate of the deceased.
7. The Claimants' frantic efforts to secure a settlement proved unsuccessful, leading to the current suit.

Analysis and Determination

8. I have carefully considered the material presented, including the 1st Claimant's evidence in the witness statement [turned evidence in chief], his oral testimony during the formal proof, the documents [the limited grant, the death certificate, the payment compensation form dated 9th January 2025, and the Certificate of Dependency dated 18th December 2025, issued by the Occupational Safety and Health Officer], and I hasten to conclude that: the deceased was an employee of the Respondent at the relevant time; he passed away following an accident that occurred in the course of his employment; and that the accident was reported and a claim lodged with the Director of Occupational Health and Safety Service, who assessed compensation as stated above.
9. In my view, once the Director makes an assessment and issues an award under the stipulations of the *Work Injury Benefits Act*, and the person against whom it has been made does not impugn the assessment and award in any manner permitted by law, the awarded sum becomes a legal obligation to settle. Put another way, it becomes a debt that the person must pay within the requisite period; otherwise, the awarded person's cause of action to pursue settlement through legal channels crystallises. The awarded sum may be recovered summarily.
10. It is important to highlight that this Court observes that the Claimant's case is, in essence, a claim for special damages. Based on the documentary evidence presented, I have no difficulty in concluding that the claim has been sufficiently proven as required by law.
11. In the upshot, the Claimant's case succeeds. Judgment is hereby entered in favour of the estate of the deceased in the following terms:
 - i. Kshs.3,786,336.
 - ii. Interest on the above awarded sum at court rates from the date of the award by the Director until full payment.
 - iii. Costs of this suit.
 - iv. The sum in [i] above is to be distributed to the dependants of the estate of the deceased in accordance with the payment of compensation letter dated 9th January 2025.

READ, SIGNED AND DELIVERED THIS 18TH DAY OF SEPTEMBER 2025

SIGNED:

HON. MR. JUSTICE OCHARO KEBIRA

