



**Namu v Institute of Policy Analysis And Research (Cause
965 of 2010) [2024] KEELRC 2097 (KLR) (2 August 2024) (Ruling)**

Neutral citation: [2024] KEELRC 2097 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 965 OF 2010
J RIKA, J
AUGUST 2, 2024**

BETWEEN

DAVID KARIUKI NAMU CLAIMANT

AND

INSTITUTE OF POLICY ANALYSIS AND RESEARCH RESPONDENT

RULING

1. Judgment was delivered in favour of the Claimant on 10th April 2019.
2. The Claim was filed 14 years ago, in 2010.
3. The Claimant has not been able to successfully execute decree against the Respondent.
4. He made an Application dated 21st July 2020, to have the Directors of the Respondent, Prof. Shem Migot-Adhola and Prof. Njuguna summoned before the Court, to be orally examined as to the business and affairs of the Respondent, and/or properties, and/or the Respondent's means of satisfying the decretal amount.
5. The Application was declined, in a Ruling of the Court dated 25th February 2021, mainly on the ground that it was not explained by the Claimant, why he opted to direct his Application at 2 Directors, while leaving out other the Directors.
6. He made an Application for review of the Ruling, which was declined on 22nd January 2022.
7. On 7th December 2023, the Court was informed by the Claimant's Advocate Mr. Balala, that the Claimant had renewed his Application, on 23rd May 2023, naming all the Directors who should appear before the Court, and be examined orally as to the mode of satisfaction of the decree.
8. The persons named as Directors are David Gachuki, Simeon Shitemi, Shem Migoti, George M. Ruigu, Tom D. Owuor, Jane Nyakongo and Thomas Nzioki Kibua.



9. All of these persons were notified about the hearing of the Application.
10. There is no response to the Application.
11. The Court notes that Judgment was delivered by Hon. Judge Byram Ongaya, and directs that further proceedings in the nature of execution, should be before the Hon. Judge Byram Ongaya.
12. The Court is satisfied that that the Claimant has remedied the defects noted by the Court in the earlier Application, and sees no impediment to summoning of the persons named at paragraph 7, for oral examination. It is imperative, that there is satisfaction of the decree, and closure of this matter, which was filed 14 years ago.

It Is Ordered: -

- a. Summons to issue against the Respondent's Directors named above, to appear before the Hon. Principal Judge Byram Ongaya, to be orally examined on satisfaction of the decree.
- b. The Claimant shall supply details of the Directors to the Deputy Registrar, and a date suitable to the Court be assigned to the Parties by the Deputy Registrar.

DATED, SIGNED AND RELEASED TO THE PARTIES, ELECTRONICALLY, AT NAIROBI, UNDER PRACTICE DIRECTION 6[2] OF THE ELECTRONIC CASE MANAGEMENT PRACTICE DIRECTIONS, 2020, THIS 2ND DAY OF AUGUST 2024.

JAMES RIKA

JUDGE

