



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NAIROBI**  
**(CORAM: GICHERU, OMOLO & TUNOI, J.J.A.)**  
**CIVIL APPLICATION NO. NAI. 34 OF 1998 (16/98 UR)**  
**BETWEEN**  
**MANCHESTER OUTFITTERS LTD. ....APPLICANT**  
**AND**  
**CHEGE NJOROGE**  
**GABRIEL NYANJA**  
**JOHN OLUOCH ONHONJI**  
**RACHEAL KALOKI ANDAYI**  
**ALEXANDER ETINDI & 27 OTHERS .....RESPONDENTS**

**(Application for stay of execution against the ruling of the High Court of Kenya (Hon. Mr. Justice Sheikh Amin) delivered on the 5th February, 1998 in H.C.C.C. NO. 583 OF 1997**

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**RULING OF THE COURT**

This application brought under rule 5 (2) (b) of the Rules seeks an order to stay execution of the orders delivered by Amin, J. On 5th February, 1998, pending an intended appeal. The subject matter of the proceedings in the superior court involves terminal benefits of employees which have already been declared by the Industrial Court. The order of the superior court which the application seeks to stay is an order affirming an award of the Industrial Court.

Mr. Wandugi, Counsel for the applicant, has informed us that the sum of money in dispute amounts to Shs.85,000/=. Assuming that the applicant has an arguable appeal, which we do not think it has, it has not shown that the appeal would be rendered nugatory in the event of success. In the circumstances we think this application is devoid of merit and we dismiss it with costs.

**Dated and delivered at Nairobi this 11th day of March,**

**1998.**

**J. E. GICHERU**

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**JUDGE OF APPEAL**

**R. S. C. OMOLO**

.....

**JUDGE OF APPEAL**

**P. K. TUNOI**

.....

**JUDGE OF APPEAL**

**I certify that this is**

**a true copy of the original.**

**DEPUTY REGISTRAR**