



**Omamo v Unigrain Equipment Limited (Miscellaneous Application
E051 of 2023) [2025] KEELRC 2695 (KLR) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2695 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA
MISCELLANEOUS APPLICATION E051 OF 2023**

**K OCHARO, J
SEPTEMBER 30, 2025**

BETWEEN

GEORGE ODHIAMBO OMAMO APPLICANT

AND

UNIGRAIN EQUIPMENT LIMITED RESPONDENT

RULING

1. By a Notice of Motion Application dated 26th March 2025, the Applicant seeks the following orders:
 - I. That Colin Otwere Onchoke, Duncan Kisoi Oyugi, Charles Mwita Kithinji and Charles Madegwa Wakukha, being Director/ Shareholders of the Respondent/ Judgment Debtor, do attend court and be examined under oath as to the Respondent/Judgment Debtor's books of accounts and other documentary evidence showing the same before the Court.
 - II. That in default of the named Directors/ Shareholders complying with the above order, the Honourable Court be pleased to lift the corporate veil and hold the named Directors/ Shareholders personally liable to settle the decree herein in the amount of Kshs. 379,052.40 being the decretal sum, costs and interest or be imprisoned and committed to civil jail for a period not less than six [6] months.
 - III. That the Respondent bear the costs of this application.
2. The application is based on the grounds outlined on its face, supported by an affidavit sworn by the Applicant dated 26th May 2025.
3. The Respondent did not oppose the application by filing any of those documents known in law or at all.



The Application

4. The Applicant states that it initiated proceedings herein seeking adoption of the award of the Director of Occupational Safety and Health Services as judgment of this court.
5. By its ruling dated 20th June 2024, this Court adopted the award and ordered that a decree be issued for Kshs 284,773.00, costs, and interest in his favour. A notice of entry of the ruling was subsequently served on the Respondent's Advocates on 24th June 2024.
6. Subsequently, a decree and a certificate of costs for Kshs. 284,773 - the decretal sum - and Kshs. 63,695.00 were extracted respectively.
7. The Applicant also claims that he sued the Respondent/Judgment Debtor in Mombasa CM ELRC Cause NO. E0671 OF 2023 for his terminal dues and obtained judgment against them. However, his attempts to execute the decree were unsuccessful because the auctioneers found that the enterprise was no longer operating at the premises where it used to. Multiple attempts to locate any new operations site also failed.
8. By reason of the premises, it becomes necessary to establish the Respondent's/Judgment Debtor's means and assets to enable the Applicant/Decree holder to realise the fruits of his judgment.
9. Per the CR12 from the Registrar of Companies, the persons named in the Notice of Motion application are the Directors/Shareholders of the Respondent company.
10. The justice of this matter demands that the orders sought against the Directors be granted.

Analysis and Determination.

11. I have carefully considered the application, the grounds upon which it is premised and the uncontested contents of the supporting affidavit, and return that the application is merited and, for now, is granted in the following terms;
 - a. Collins Otwere Onchoke, Duncan Kiso Oyugi, Charles Mwita Kithinji, and Charles Madegwa Wakukha, the Directors/ Shareholders of the Respondent Company, are hereby directed to attend court on 23rd October 2025, to be examined under oath as regards the Respondent's assets and status, and to produce its books of accounts.
12. Limb [ii] and [iii] shall be determined following the proceedings of the date mentioned above.

READ, SIGNED AND DELIVERED VIRTUALLY IN MOMBASA THIS 30TH SEPTEMBER 2025.

OCHARO KEBIRA

JUDGE

