



REPUBLIC OF KENYA



KENYA LAW
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Akello v Rural Development Solutions Limited; Haji (Objector) (Cause 554 of 2015) [2025] KEELRC 2941 (KLR) (30 October 2025) (Ruling)

Neutral citation: [2025] KEELRC 2941 (KLR)

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 554 OF 2015
B ONGAYA, J
OCTOBER 30, 2025

BETWEEN

TONY BEN OLANG' AKELLO CLAIMANT

AND

RURAL DEVELOPMENT SOLUTIONS LIMITED RESPONDENT

AND

NAVILLA HAJI OBJECTOR

RULING

1. The application for objection to execution is dated 23.07.2025 filed through Bikundo Associates & Company Advocates. It is under order 22 rule 51, 52, 53 and 54, order 51 rule 1 and 13 of the Civil Procedure Rules 2010, sections 1A, 1B 3A, 63 (e) of the Civil Procedure Rules and all other enabling provisions of law. The prayers in issue are as follows:
 - a. The orders to issue to permanently stop the auctioneers or judgment creditor from in any manner proceeding with any precipitate or any adverse action in respect of the objector's sofa sets, stools and table office chair and conference table, gas cooker, and cylinder, fridge and deep freezer, chairs, complete computer and printer house hold goods that belong to the objector/ applicant.
 - b. Costs of application be provided for.
2. The application is based upon the applicant's supporting affidavit and upon the following grounds:
 - a. On 08.04.2025 Vision Roots Auctioneers proclaimed the subject household goods belonging to the objector.



- b. The applicant and the judgment debtor, effective 2020, reside in the same house No. 63 in Runda. Thus, the goods are in the judgment debtor's house.
 - c. The auctioneers have obtained break-in orders to enter and cart away the goods.
 - d. The applicant was not party to the suit and the goods belong to the applicant and not the judgment debtor.
 - e. The goods were transferred to the objector by the respondent or judgment debtor as part of settlement of salary.
3. The claimant filed a replying affidavit sworn on 28.07.2025 and filed through Owino Bukachi & Company Advocates. It is urged as follows:
- a. The objector claims ownership of the proclaimed goods by reason of an agreement dated 24.09.2019. The goods which belong to the judgment debtor are being transferred under the hand of Svein Rene as director. It is said to be with respect to salaries owed to the objector. However, the respondent company dissolved on 12.07.2019 per gazette notice no. 6414 so that on 24.09.2019 it did not exist to transfer and deal in the goods. The respondent having been dissolved it could not own or deal in the property as urged for the objector.
 - b. On 17.11.2020 Svein Rene had filed an application alleging that the proclaimed goods belonged to him having been one of the directors. The proclaimed goods are the same ones in the house the directors resided. The same director is the one who has signed the purported agreement in favour of the objector. There is no evidence that the goods are different.
 - c. The director could not validly transfer the goods after the dissolution of the company.
 - d. The objector has not shown the employment relationship, the salary owed or any other material to support the purported transfer of the goods per the agreement.
 - e. The objection should fail because the same is an effort to unfairly hide the goods from a lawful execution proceeding. The application be dismissed with costs.
4. The Court has considered the parties respective positions. The objector has not rebutted any of the claimant's assertions that the company dissolved, the purported agreement dealing in company property after dissolution was invalid, there is no evidence of employment relationship and owed salaries between objector and respondent company and finally, the objector has failed to show that the goods indeed belong to the objector. In the circumstances, the Court finds that the objector having failed to show on a balance of probability that the goods belong to the objector, the application must fail with costs.

In conclusion the objection proceedings and the application dated 23.07.2025 is hereby dismissed with costs.

SIGNED, DATED AND DELIVERED BY VIDEO-LINK AND IN COURT AT NAIROBI THIS THURSDAY 30TH OCTOBER, 2025.

BYRAM ONGAYA

PRINCIPAL JUDGE

