



Kenya Power & Lighting Company v Mukala & another (Employment and Labour Relations Miscellaneous E341 of 2024) [2025] KEELRC 2926 (KLR) (27 October 2025) (Ruling)

Neutral citation: [2025] KEELRC 2926 (KLR)

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS MISCELLANEOUS E341 OF 2024
HS WASILWA, J
OCTOBER 27, 2025

BETWEEN

KENYA POWER & LIGHTING COMPANY APPLICANT

AND

ALEXANDER KASINA MUKALA 1ST RESPONDENT

INTERFIELD AUCTIONEERS 2ND RESPONDENT

RULING

1. The 1st Respondent/Contemnor filed an affidavit dated 11th June 2025 to purge contempt. As this court vide its ruling dated 6th May 2025 had found the Respondents in contempt of its orders and as such guilty and liable for punishment.
2. The 1st Respondent avers that the Claimant/decreed holder in ELRC No. 301 of 2012 Alexander Kasina Mukala Vs. Kenya Power and Lighting Company Limited wherein the Court awarded or compensated a decretal sum of Kshs. 637,312 for unfair termination.
3. The 1st Respondent avers that his former advocate contested the non-compliance with the Applicant over the conditions laid down by this court on 20th February 2019, thus, he was constrained to believe that the Applicant did not comply. Additionally, it is almost two decades since he terminated from employment by the applicant and he has been unemployed hence the pressure of living.
4. It is the 1st Respondent's case that he fell out with his former advocate necessitating he acts in person, however, since he is not conversant with the law, he did not understand that the ruling of 18th February 2021 granted orders restraining him from executing the judgement of 9th October 2018 as the court dismissed the applicant application seeking stay orders.
5. The 1st Respondent avers that after the 2nd Contemnor issued a proclamation notice to the Applicant, he received a notification letter from the Applicant's advocates on record informing them to refrain



from defying the said court orders. Thereafter, he instructed the 2nd Contemnor not to attach or seize or collect any of the proclaimed goods.

6. The 1st Respondent avers that it is essential for the maintenance of the rule of law and order that the authority and the dignity of our courts are upheld at all times. He therefore expressed his remorse over the previous incident and asserts that he deeply regrets his actions as they were not deliberate.
7. The 1st Respondent pleaded for mercy and a lenient punishment in consideration of the circumstances surrounding his actions.

Applicant's Case

8. In response, the Applicant filed an affidavit dated 22nd July 2025
9. The Applicant avers that it informed the Respondent's former advocates on record vide a letter dated 7th February 2020 that there was an existing stay order and implored them to strictly comply with the same. The said advocates proceeded to halt the execution proceedings upon receipt, therefore, the 1st Respondent cannot claim to rely on their initial belief as it is trite law that the advocate act on instructions from their client.
10. The Applicant avers that the 1st Respondent's purported unemployment cannot be a valid reason to defy court orders given that there is still an active appeal at the Court of Appeal.
11. It is the Applicant's case that ignorance of the law is no defence and as such, the 1st Respondent's assertion that he is not conversant with the law does not justify his blatant defiance of the court's orders.
12. The Applicant avers that upon being served with a proclamation notice from the 2nd Respondent, it proceeded to enlighten the 1st Respondent of the existing stay order vide a letter dated 31st October 2024. However, the 1st Respondent vide an email dated 7th November 2024, indicated that he shall proceed with the attachment of the Applicant's property as he deemed the communication of the existing order as unlawful threats and intimidation.
13. The Applicant avers that the 1st Respondent evidently acted in deliberate contempt of court and cannot now rely on his purported ignorance, hardship or self-representation to escape liability. Therefore, he ought to be punished as a measure to uphold obedience of court orders by parties and as a deterrence measure against such vices.
14. It is the Applicant's case that it is in the interest of justice that the 1st Respondent be punished accordingly having been found to be in contempt of court.
15. I have examined all the evidence and submissions herein. The respondent has averred that she indeed knew of the existence of the orders barring execution and informed her counsel about it. It is in effect an admission of execution despite the existence of a court order which is contemptuous. The respondent is therefore guilty of contempt and is liable to punishment.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 27TH DAY OF OCTOBER 2025.

HELLEN WASILWA

JUDGE

