

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS  
COURT AT NAIROBI  
CAUSE NO. E767 OF 2021**

**ROSE WANJA MUTUAH  
CLAIMANT**

**v**

**TRACOM SERVICES LTD  
RESPONDENT**

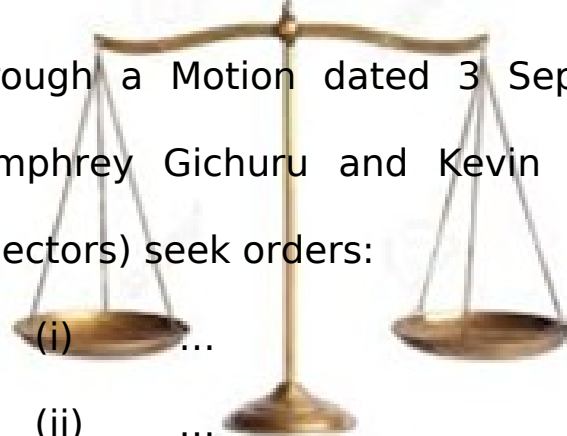
**AND**

**HUMPHREY GICHURU  
KEVIN WAINAINA  
OBJECTORS**

**EMPLOYMENT AND LABOUR RELATIONS COURT**

**RULING NO. 3**

1. Through a Motion dated 3 September 2025, Humphrey Gichuru and Kevin Wainaina (the Objectors) seek orders:



(i) ...

(ii) ...

(iii) ...

(iv) **NAIROBI**

(v) ...

(vi) The Honourable Court be pleased to declare that the subject motor vehicles are not the property of the judgment debtor and are therefore

not liable to attachment or sale in satisfaction of the decretal sum.

(vii) This Honourable Court be pleased to set aside and/or revoke the proclamation notice dated 4<sup>th</sup> July 2025.

(viii) Costs of the application be provided for.

2. The grounds in support of the Motion were that the Claimant caused to be proclaimed motor vehicles registration numbers KCB 762M Chevrolet and KBS 061U Landrover Freelander on 4 July 2025; the Objectors were legal and beneficial owners of motor vehicles registration numbers KCB 762M Chevrolet and KBS 061U Landrover Freelander respectively having purchased the same from the Respondent and that the Objectors were innocent purchasers without notice.
3. The Claimant filed a replying affidavit in opposition to the Motion on 29 September 2025.

4. In the affidavit, the Claimant deponed that the auctioneers she had instructed had ascertained that the 2 motor vehicles were still registered in the Respondent's name; the Objectors had not produced any evidence of payment of purchase prices and that one of the Objectors, Humphrey Gichuru was closely associated with the Respondent, having been one of her managers during employment.

5. The Court directed the parties on 30 September 2025 to file and exchange submissions.

6. The Objectors filed their submissions on 14 November 2025. The Claimant filed her submissions on 19 November 2025.

7. The Court has considered the Motion, affidavits and submissions and makes the following determinations.

8. One, the Respondent allegedly entered into a sale agreement with Humphrey Gichuru in respect to motor vehicle registration number KCB 762M on 13 June 2023.

9. Two, the sale price was indicated as Kshs 1,000,000/- to be paid in two instalments.
10. A copy of the Respondent's bank statement placed before the Court indicates that this Objector paid the Respondent Kshs 500,000/- on 4 February 2025. There is no explanation in the supporting affidavit why it took nearly 2 years to make payment of the deposit.
11. The Objector did not demonstrate in the supporting affidavit a nexus between the payment in 2025 and the sale agreement in 2023.
12. Three, there is no evidence that transfer of ownership was conducted.
13. Four, under section 9 of the Traffic Act, transfer of ownership should be registered within 14 days. It is noteworthy that the motor vehicle is still registered in the name of the Respondent.
14. Five, the Respondent allegedly sold motor vehicle registration number KBS 061U to Kevin Wainaina on 17 October 2018.

15. Six, there is no explanation why, 7 years down the line, the transfer of ownership has not been done. This Objector has not placed before the Court any evidence that he paid the purchase price of Kshs 600,000/-.

16. The *bona fide* of the sale agreements cannot be ascertained, and the Court can conclude that the Objectors have not proved on a balance of probabilities that they are the legal or beneficial owners of the proclaimed motor vehicles.

### **Orders**

17. The Motion dated 3 September 2025 is found without merit and is dismissed with costs.

**Delivered virtually, dated and signed in Nairobi on this 20<sup>th</sup> day of November 2025.**

**NAIROBI**

**Radido Stephen, MCI Arb**

**Judge**

### **Appearances**

For Claimant

Mukunga Wathome  
& Co. Advocates

For Respondent

Kwamboka Marie &  
Associates  
Advocates

For Objectors

Mackenzie &  
Wesonga Law  
Advocates

Court Assistant

Wangu

**EMPLOYMENT AND LABOUR RELATIONS COURT**



**NAIROBI**