



REPUBLIC OF KENYA



**KENYA LAW**  
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**Marete v Moseti t/a B Moseti & Co Advocates (Cause 873 of 2019)  
[2025] KEELRC 3165 (KLR) (13 November 2025) (Ruling)**

Neutral citation: [2025] KEELRC 3165 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 873 OF 2019  
S RADIDO, J  
NOVEMBER 13, 2025**

**BETWEEN**

**KENNEDY KOOME MARETE ..... CLAIMANT**

**AND**

**BENARD ONDIEKI MOSETI T/A B MOSETI & CO  
ADVOCATES ..... RESPONDENT**

**RULING**

1. For determination is a Motion dated 27 June 2025, by the Respondent seeking the following orders:
  - i. spent
  - ii. spent
  - iii. spent
  - iv. spent
  - v. spent
  - vi. That the Honourable Court be pleased to review and set aside its orders dated 27<sup>th</sup> June 2025 granting conditional stay orders by extending the timeline for payment of the Kshs 650,000/- to 30<sup>th</sup> July 2025.
  - vii. That the costs of this application be in the cause.
2. The grounds supporting the Motion were that on 27 June 2025, the Court allowed the Respondent only 3 days to pay the Claimant Kshs 650,000/- for the grant of a conditional stay of execution; the timeline was short, and it was practically impossible to comply and that the Claimant would not be prejudiced if an extension was allowed.



3. When the Motion was placed before the Duty Court on 1 July 2025, it granted a temporary stay of execution and directed the Respondent to pay the Kshs 650,000/- on or before the close 31 July 2025. In default, the stay orders were to lapse.
4. The Claimant filed a replying affidavit in opposition to the Motion on 14 July 2025.
5. The Respondent filed a further affidavit and submissions on 21 July 2025, and the Claimant filed his submissions on 22 September 2025.
6. The Court has considered the Motion, affidavits and submissions.
7. The Court does not find it necessary to refer to the submissions because of the state of the record.
8. The order sought by the Respondent was granted by the Court during appearances on 21 July 2025. The notes by the Duty Judge state:  
  
The Resp/applicant to pay the Claimant the sum of Kshs 650,000/- by 31/7/2025. As such the interim orders are extended on that condition. In default, the stay orders will lapse.
9. From the record, there is no order left for this Court to determine since the Court already extended the timeline to 31 July 2025.
10. The proposed order has been overtaken by time.
11. The Court notes that the Respondent has made no efforts to reach out to the Claimant for an out-of-court compromise or to try to settle any part of the decree.

#### **Orders**

12. The Motion dated 27 June 2025 is not only overtaken by events but also without merit and is dismissed with costs.

**DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 13<sup>TH</sup> DAY OF NOVEMBER 2025.**

**RADIDO STEPHEN, MCIARB**

**JUDGE**

Appearances

For Claimant Waithaka & Partners Advocates

For Respondent Gitonga & Tollo Advocates LLP

Court Assistant Wangu

