

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR
RELATIONS COURT AT NAKURU
CAUSE NO. E 037 OF 2023**

BETWEEN

NAOMI WAIRIMU MACHARIA CLAIMANT

VERSUS

KENYA INSTITUTE OF MANAGEMENT RESPONDENT

Rika J

Court Assistant: Emmanuel Kiprono

Ndeda & Associates, Advocates for the Claimant

Kiarie, Kariuki & Githii Advocates for the Respondent

RULING

1. Judgment in this Claim was delivered on 30th April 2025, in favour of the Claimant.
2. The decretal sum stands at Kshs. 2,015,000.
3. The Respondent lodged Appeal No. E132 of 2025 against the Judgment, and also filed an application for stay of execution of the Judgment.

4. The application, which is the subject matter of the Ruling herein, is dated 13th August 2025.
5. Conditional stay of execution was granted at interim stage. The Respondent did not comply with the conditions for grant of an order of stay of execution.
6. The application is supported by the affidavit of Raymond Mwangi, Head of Shared Services of the Respondent, sworn on 13th August 2025. He reiterates that the Respondent has already filed its Appeal; the Appeal has high chances of success; and importantly, that the Respondent is willing to supply security for its Appeal.
7. The Claimant is opposed to the application. She relies on her affidavit, sworn on 11th September 2025.
8. She underlines that the Respondent was granted an order of stay of execution on 30th April 2025. It was directed that the full decretal sum be deposited in a joint-interest earning account, pending hearing and determination of the Appeal, within 21 days. The Respondent did not comply.
9. The Respondent cannot fail to comply, and return to Court a second time, asking the Court to stay execution of the Judgment. The Claimant submits that she is still open to the Court granting the order, on the same condition as granted earlier.

10. The application was heard on 2nd October 2025. The Parties restated through their Advocates, the contents of their affidavits and written submissions on record.

The Court Finds: -

11. The Respondent was granted an order of stay of execution in the interim, on the condition that the Respondent deposits the full decretal sum in Court, within 21 days.

12. The order, which is exhibited in the affidavit sworn by the Claimant, issued on 14th August 2025, before the Hon. Justice Anna Mwaure.

13. It was not ordered that the decretal sum is deposited in a joint-interest earning bank account in the names of the Advocates, as suggested by the Claimant.

14. The Respondent did not deposit the sum within 21 days as ordered, or any time after the 21 days, and was noncompliant, by the time the application was argued in the presence of both Parties on 2nd October 2025.

15. It still has not complied.

16. The Claimant submits that, she is not opposed to granting the order of stay of execution, so long as the Respondent meets the condition imposed by the Court, in granting the order at interim stage.

17. The proposal by the Claimant is reasonable, and consistent with the Respondent's own submission that it is ready to supply security.

IT IS ORDERED: -

- a. The application filed by the Respondent dated 13th August 2025 is granted, on the condition that the whole decretal sum of Kshs. 2,015,000, is deposited in Court, within 21 days of this Ruling.***
- b. In default execution to proceed.***
- c. No order on the costs.***

Dated, signed and delivered electronically at Nakuru, this 28th day of November 2025.

James Rika

Judge

