



**Onyango v Express Drycleaners Limited (Cause E6520 of 2020)  
[2026] KEELRC 121 (KLR) (23 January 2026) (Ruling)**

Neutral citation: [2026] KEELRC 121 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE E6520 OF 2020**

**JW KELI, J  
JANUARY 23, 2026**

**BETWEEN**

**HARRISON OPIYO ONYANGO ..... CLAIMANT**

**AND**

**EXPRESS DRYCLEANERS LIMITED ..... RESPONDENT**

**RULING**

1. The Applicant filed the Notice of Motion application dated 6th October 2025 seeking the following:-
  - a. Spent
  - b. Spent
  - c. That a declaration be made that the Applicant is not the owner and/or a Director of the Respondent- Express Drycleaners LTD or at all and therefore the decree cannot be enforced against him in the circumstances.
  - d. That a declaration be made that the Applicant owns and is a Director of Professional Express Laundry & Drycleaners LTD, Piedmont Plaza Ngong Road and that he is not the Respondent capable of issuing a Certificate of Service to the claimant
  - e. That the claimant be ordered to produce and file a current CR12 of the Respondent for purposes of the court's record and for the court to ascertain the Respondents actual directors liable to settle the claim.
  - f. That in default of production of the Respondent's CR12 by the claimant, a declaration be made that the Applicant was wrongly enjoined for an unlawful prosecution-And an order do issue compelling the Claimant to pay the Applicant aggravated damages as this honourable court may deem fit and just.



- g. That the costs of this application be borne by the Claimant and awarded to the applicant.
2. The applicant relied on the grounds stated in the body of the said Notice of Motion application and in the supporting affidavit of the Applicant, sworn on 6/10/2025, together with the annexures thereto.
3. The application was unopposed. It was canvassed by way of written submissions, of which only the applicant filed.

### **Whether the application was merited**

#### **Applicant's submissions**

4. The instant application came up for interpartes hearing on 15/10/2025 and the Claimant/Respondent sought leave to file a response and same was granted. However, on 2/12/2025 when the matter came up in court to confirm if they had put in a response, they were absent and no response or grounds of opposition have been filed. They too have not filed any submissions and therefore the application stands unopposed/unchallenged and ought to be allowed.
5. The Applicant has deponed as follows:- That on 1/10/2025, the Claimant served a Decree generated from a judgment of this honourable court delivered on 26/9/2025 in this matter upon him(applicant), demanding settlement of the same. That he is a stranger and unknown to both the Claimant and the Respondent in this cause That apparently, execution is imminent against him(applicant) and/or his business anytime now as unidentified persons further violently stormed his business premises at Piedmont Plaza Ngong road, Nairobi on the 2nd October 2025 threatening to attach and cart away his laundry machines on account of this suit. That for the record, during the pendency of this matter, the applicant, who had initially been wrongly enjoined to these proceedings, was struck off from this suit by the amendment of the Claimant's Statement of Claim amended on 1/4/2022 and filed to this court. That the Applicant is not the owner and is not a Director of the Respondent-Express Drycleaners LTD. It is therefore unfair, unjust and prejudicial for the claimant to demand settlement of the Decretal sum by the Applicant. The Applicant CANNOT also be compelled to issue the claimant a Certificate of Service of a Limited Liability Company that he does not own otherwise that would be an illegality and fraud. That the Applicant is apprehensive that by the claimant serving him the decree given on 26/9/2025 and/or any other pleading for that matter, such service is construed to imply that he(applicant) owns and/or is the director of the Respondent and by extension the Claimant's Employer-which is not the case. In the circumstances therefore, this court ought to be provided with a CR12 of the Respondent for determination of whom its directors are, that are liable to settle the claim herein That for the avoidance of doubt, the Applicant owns and is the only director of PROFESSIONAL EXPRESS LAUNDRY & DRYCLEANERS LTD and as stated earlier, he is a stranger to both parties in this claim. Indeed, the applicant and/or his said company have never engaged the claimant in any employment nor signed any employment contract with him or at all. That the Applicant urges the court to protect him from being unlawfully executed/attached based on the judgment and decree made by this court on 26/9/2025 and served on him by the claimant. The claimant should be ordered to cease demanding settlement of the decree by the applicant as he is non-suited, a stranger and unknown to the Respondent. That unless this court intervenes and the judgment and decree herein is unlawfully executed against the Applicant, then he shall suffer prejudice, grave injustice, irreparable loss and damage. That it is thus fair and in the interest of justice that the instant application be heard as a matter of urgency. These matters remain unchallenged. The claimant's unlawful and unjustified pursuit to execute the Applicant ought to be tamed and stopped by granting the orders sought. Further, the court record will bear us testimony that the Applicant, Alred Namu T/a Professional Express Laundry & Drycleaners LTD is not currently a party to this claim; having



been struck off from this suit by the amendment of the Claimant's Statement of Claim amended on 1/4/2022 and filed to this court. The court ought to protect the Applicant by granting the application wherein the claimant/decree holder shall have been directed to pursue the rightful judgment debtor for settlement of the Decree; as it is not the Applicant, in the circumstances.

6. To buttress the foregoing submissions the applicant relied on the decision in *Transport and Allied Workers Union v Kenya Bus Service; Abiria Limited & 3 others (Objector)* [2022] KEELRC 4048 (KLR). The Respondent as the judgment debtor herein is a limited liability company under its own name and from the pleadings filed, the Applicant is separate and distinct director t/a Professional Express Laundry & Drycleaners LTD. Under the law, the Applicant is entitled to object to an attempt of attachment of their properties where they are non-suited and/or where they hold the legal and equitable ownership therefrom save, where such objector companies are formed as conduits of the respondent's properties and assets so as to defeat the judgement and decree of the court, in which case the claimant as the decree holder is at liberty to move and secure its rights as allowed under the law and not through execution against a non-suited party. We must submit that there exist procedures for the lifting of corporate veil and call for the books of account relating to the Respondent. Nonetheless, such procedures cannot be cured through the use of the procedure applied by the claimant herein to attempt to proclaim and attach the properties of third parties who are separate and distinct from the respondent. The claimant ought to serve the court with the Respondent's current CR12 to show the Directors liable to settle his decree. The Applicant stands to suffer irreparable loss and injury if the orders sought herein are not granted as it stands to be unlawfully and unfairly executed as he is non-suited, we submit that in view of our submissions hereinbefore the balance of convenience fits in favour of the Applicant and we urge you to grant the application. Therefore, the Applicant has satisfied the criteria (met the threshold) for the grant of the orders sought in its Notice of Motion application dated 6th October 2025 and the same merit to be granted as prayed.

## Decision

7. The application was not opposed but the court considered the same on merit. The history of the cause was that the claimant filed a memorandum of claim dated 10th November 2020 and sued the respondent, with the applicant as the 2nd respondent. The 2nd respondent was described in the claim as a manager and owner of the respondent company. The applicant, in response to the claim filed notice of preliminary objection dated 26th January 2022, and denied being a director or shareholder of the respondent company. The claimant, on being served with the objection, amended the claim and removed the applicant as the 2<sup>nd</sup> respondent vide amended statement of claim dated 1st April 2022. Judgment was on the 26<sup>th</sup> September 2025 for the claimant against one respondent, Express Drycleaners Ltd. The matter was undefended.
8. The applicant alleged in an affidavit in support of the application that he was served with a court Decree on the 1st October 2025 at 4.45 pm, indicating he was required to settle the decree. That unidentified persons visited his business premises under the name and style of Professional Express Laundry & Drycleaners Ltd, where he is the sole director (AN1 was the CR12). He was apprehensive that the claimant would irregularly attach his goods based on the judgment of which he is not a party.
9. It is not in dispute that the claimant had initially sued the applicant and, upon service of notice of objection, amended the claim and removed the name of the applicant. The claimant sued a company limited. The claimant cannot attach goods of another company unless ordered by the court pursuant to an application for lifting of the veil to establish the directors and shareholders of the respondent / judgment debtor. The claimant, by amending his claim upon the notice of preliminary objection and



removing the applicant, who it had alleged was the owner of the company, cannot execute against the applicant without a court order, as a company is a legal entity.

10. Consequently, the application is held to have merit. On the substantive orders sought, that a declaration be made that the Applicant owns and is a Director of Professional Express Laundry & Drycleaners Ltd, Piedmont Plaza, Ngong Road, and that he is not the Respondent capable of issuing a Certificate of Service to the claimant. That the claimant be ordered to produce and file a current CR12 of the Respondent for purposes of the court's record and for the court to ascertain the Respondents actual directors liable to settle the claim. That in default of production of the Respondent's CR12 by the claimant, a declaration be made that the Applicant was wrongly enjoined for an unlawful prosecution-And an order do issue compelling the Claimant to pay the Applicant aggravated damages as this honourable court may deem fit and just. The court can only pronounce itself that the judgment debtor is Express Drycleaners Ltd which is a legal entity. That nothing would have been easier than for the applicant to produce the CR12 of the respondent /judgment debtor if it was deemed necessary. The applicant has not been joined in any pleading before the court; thus, the order related to that issue is unsupported.
11. The application is not supported by relevant documents, like CR12, to establish whether the applicant is a director or not of the respondent. The court, in the circumstances, finds the orders sought have not been established. The court bars any execution against the applicant in person or professional express laundry and dry cleaners unless ordered by the Court under an application for lifting the veil. The application is dismissed. Being unopposed, I make no order as to costs in the application.
12. It is so ordered.

**DATED, SIGNED, AND DELIVERED IN OPEN COURT AT NAIROBI THIS 23<sup>RD</sup> DAY OF JANUARY, 2026.**

**J.W. KELI,**

**JUDGE.**

In The Presence Of:

Court Assistant: Otieno

Claimant: absent

applicant /Respondent: Mulandi

