

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI
ELRC CAUSE NO. 1372 OF 2018

LEORNARD MUDACHI.....CLAIMANT
VERSUS
NAIROBI JAVA HOUSE.....RESPONDENT

RULING

The Respondents filed a Notice of Motion application dated 13/10/2025 seeking a stay of execution of the judgment of the court delivered on 25/9/2025 pending the hearing and determination of the intended Appeal. The court awarded the Claimant USD 208,293.75.

The Applicant attached to the application a notice of appeal dated 3/10/2025 in terms of Rule 77(1) of the Court of Appeal Rules – 2022 before this court and requested typed proceedings for the purpose of preparing a record of appeal.

The Applicant states that it has an arguable appeal which seek to challenge determination of fact and law by the superior court. That the notice of appeal was filed within time and the application is not visited by any delay having been filed on 14/10/2016 after the judgment was delivered on 25/9/2025.

The Applicant states that it is willing to furnish security in respect of the decretal sum and costs.

That the Claimant does not stand to suffer any prejudice if the stay is granted but the appeal would be rendered nugatory and the applicant likely to suffer substantial loss if the order of stay is not granted.

The application is opposed by the Claimant vide a replying affidavit sworn to on 24/10/2025, in which it is deposed that the Respondent have not demonstrated any substantial prejudice they would suffer in the absence of stay order.

The Claimant further deposes that the Respondents are continuously undergoing restructuring and acquisitions which may hinder future recovery of the decretal sum and proposes that the decretal sum be deposited into a joint interest earning account in the names of the Advocates for the Claimant and the Advocates for the Respondents as security for the due performance of the decree.

DETERMINATION

The parties filed written submissions which the court has carefully considered together with the deposition by the parties. The court notes that the Claimant did not have much opposition to the grant of stay orders provided the decretal sum was secured in an interest earning account in the joint accounts of the Advocates for the parties.

Accordingly, given the substantial amount awarded to the Claimant the court grants the Respondent stay of execution of the judgment and decree of the court delivered on 25/9/2025 on condition that the Respondents deposit the decretal sum in a joint interest earning account

in the names of the Advocates of the parties pending the hearing and determination of the intended appeal.

The decretal sum amounting to USD. 208,293.75 to be deposited within 45 days of this ruling in the event of default on the part of the Respondents the stay order will stand vacated and execution to follow.

Dated at Nairobi this **2nd day of March 2026**



Mathews Nduma

JUDGE

Dated, signed and delivered in open court at Nairobi this **11th day of March 2026**

J.W KELI

JUDGE

In presence of:

Mr. Weru for Claimant

M/s. Okuta for Respondent

Mr. Kemboi – Court Assistant