

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI
CAUSE NO. E578 OF 2022

**ROBERT
HOLDER**

MANDELA.....APPLICANT/DECREE

VERSUS

WORKINSIGHTS LIMITED.....RESPONDENT/JUDGMENT DEBTOR

RULING

1. The Applicant/Decree Holder moved this Court through a Notice of Motion dated 14th October 2025, seeking the following orders:

1) THAT the Directors of the Respondent Company, namely Edwin Omwoyo Nyairo, Dennis Murithi Kirigia, Anne Chepkorir Atuya, Allan Maonti Shitakha Nyambati, and Joseph Ngari Munene, be summoned to personally appear before this Honourable Court to show cause why they should not be committed to civil jail or otherwise compelled to jointly and severally satisfy the decretal sum arising from the judgment delivered herein.

2) THAT this Honourable Court be pleased to lift the corporate veil of the Respondent Company, Work insights Limited, and hold its Directors Edwin Omwoyo Nyairo, Dennis Murithi Kirigia, Arine

Chepkorir Atuya, Allan Maonti Shitakha Nyambati, and Joseph Ngari Munene personally liable, jointly and severally, for the decretal sum of Kshs. 156,627.00/=, being the judgment amount and costs awarded to the Claimant.

3) The costs of this Application be borne by the Respondent/Judgment-Debtor.

2. The Motion is supported by the grounds set out on its face and the affidavit sworn by **Robert Mandela**, the Applicant herein. Mr. Mandela asserts that the total decretal sum of Kshs. 156,627.00 remains outstanding. He states that despite service of the Decree and repeated demands, the Respondent/Judgement debtor has willfully refused or neglected to settle the decretal amount. He further avers that attempts at execution through warrants of attachment have been unsuccessful, as the Respondent has no known attachable assets.
3. Mr. Mandela contends that the Respondent Company is being used as a facade to obstruct the course of justice and to evade satisfaction of lawful court decrees. He maintains that the Directors of the Respondent company are fully aware of the judgment but have failed to take any steps to honour it.

4. The Respondent did not file any response to the instant Motion despite being granted leave to do so on 26th November 2025. Consequently, the Motion stands unopposed.

Submissions

5. Pursuant to the Court's directions issued on 26th November 2025, the Motion was to be disposed of by way of written submissions. Only the Claimant complied, and the Court has duly considered the submissions filed.

Analysis and Determination

6. Through the instant Motion, the Applicant/Decree holder seeks orders summoning the Respondent's directors to personally appear before the Court to show cause why they should not be committed to civil jail or otherwise compelled to jointly and severally satisfy the decretal sum arising from the judgment issued herein.
7. The Applicant further prays for the lifting of the Respondent Company's corporate veil so that its Directors are held personally liable, jointly and severally, for the decretal amount.

8. The crux of the Applicant's Motion is that despite service of the Decree and several demands, the Respondent has willfully refused or neglected to settle the decretal sum of Kshs. 156,627.00. He further states that attempts at execution through warrants of attachment have been unsuccessful due to the absence of any known attachable assets belonging to the Respondent.
9. As earlier stated, the Respondent did not file any response to the Motion, and therefore the Applicant's assertions remain unchallenged.
10. What I hear the Applicant to be saying is that he is unable to execute the Court's judgment because the Respondent/Judgment Debtor has no traceable assets.
11. Ordinarily, in circumstances such as these, before lifting the corporate veil or imposing personal liability on a company's directors, recourse is made to **Order 22 Rule 35 of the Civil Procedure Rules**. This provision offers a discovery mechanism to establish whether any debts are owed to the judgment debtor or whether the judgment debtor possesses any property or means of satisfying a decree.

12. Fundamentally, Order 22 Rule 35 grants this Court the jurisdiction to summon any officer of a company to appear for examination regarding the company's assets and means, with the objective of determining its capacity to satisfy the decretal sum. Following such examination, the Court may, where justified, consider lifting the corporate veil.

13. Given that the Motion is unopposed, the Court finds no basis to doubt the Applicant's assertion that he has been unable to identify any assets owned by the Respondent/Judgment Debtor capable of satisfying the decree.

14. Accordingly, before considering the lifting of the corporate veil, the Court deems it necessary to summon the Respondent's directors pursuant to Order 22 Rule 35 of the Civil Procedure Rules for examination.

15. Consequently, the Directors of the Respondent Company, namely, ***Edwin Omwoyo Nyairo, Dennis Murithi Kirigia, Anne Chepkorir Atuya, Allan Maonti Shitakha Nyambati, and Joseph Ngari Munene***, shall attend Court on a date to be scheduled for purposes of examination.

16.Costs of the application shall be borne by the Respondent/Judgment Debtor.

DATED, SIGNED and DELIVERED at NAIROBI this 27th day of February, 2026.

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STELLA RUTTO
JUDGE

In the presence of:

Mr. Asitiba for the Applicant/Decree holder

No appearance for the Respondent/Judgment Debtor

Mohammed Court Assistant

ORDER

In view of the declaration of measures restricting court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email.

They have waived compliance with **Order 21 Rule 1** of **the Civil Procedure Rules**, which requires that all judgments and rulings be pronounced in open court.

In permitting this course, this court had been guided by Article 159(2)(d) of the

Constitution which requires the court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of **Section 1B** of the **Civil Procedure Act (Chapter 21 of the Laws of Kenya)** which impose on this court the duty of the court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

STELLA RUTTO

JUDGE