



**Downtown Hotel v Mutua (Appeal E131 of 2022)
[2026] KEELRC 951 (KLR) (17 April 2026) (Ruling)**

Neutral citation: [2026] KEELRC 951 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
APPEAL E131 OF 2022
DKN MARETE, J
APRIL 17, 2026**

BETWEEN

DOWNTOWN HOTEL APPELLANT

AND

PETER ISSA MUTUA RESPONDENT

RULING

1. This is an application dated 4th February, 2025 and seeks a release of the sum of Ksh.1,473,884.00 deposited by the Appellant to the firm of TMJ Advocates LLP in settlement of the judgment of this court.
2. The application justifies the search for these orders of court on grounds that indeed this deposit was made by the law firm representing the Appellant/Applicant and is justified now that the appeal has been determined in their favour.
3. The Respondent opposed the application and avers that despite the judgment of court awarding Ksh.1,257,082.89 in favour of the Respondent, it has appealed against the said judgment and such appeal was partially successful with the court varying the award of leave to Ksh.32,669.28 . They are further desirous of appealing against this and have filed a Notice of Appeal as well as a letter seeking typed proceedings dated 29th January, 2026.
4. The Appellant further avers that they have an arguable appeal as indicated in the annexed draft Memorandum of Appeal. In this regard, they oppose the application for release of the amount deposited and argue that even without such release, his interests are secured.
5. The Appellant's case takes sway against the application. We have a Memorandum of Appeal on record and this should be secured by the sum earlier deposited as security for the appeal. Its release would not be in the interest of justice and would render the appeal nugatory as is the case for the Appellant.



6. I am therefore inclined to disallow the application and order as follows;

- i. That the amount deposited (Ksh. 1,473,884.00) stands as security for the appeal.
- ii. Each party shall bear their cost of this application.

DELIVERED, DATED AND SIGNED THIS 17TH DAY OF APRIL 2026.

D. K. NJAGI MARETE

JUDGE

Appearances:

1. Miss Ego instructed by TMJ Advocates LLP for the Respondent/Applicant
2. Miss Okondo holding brief for Guserwa instructed by J. A. Guserwa & Co. Advocates for the Appellant/Respondent

