

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT
NAIROBI

PETITION NO. E206 OF 2024

VIVIAN NYAKERARIO ONGWAE.....PETITIONER

VERSUS

KENYA CIVIL AVIATION AUTHORITY.....RESPONDENT

RULING

The applicant in the Notice of Motion dated 3/11/2025 seeks for an order in the following terms: -

- (a) Spent
- (b) Spent
- (c) That the court be pleased to order that the Garnishee order Nisi be made absolute to pay a sum of Kshs. 2,221,104.00 to the Petitioner in respect of Account No. 1210001942 with Kenya Commercial Bank belonging to Kenya Civil Aviation Authority, the judgment Debtor/Respondent hereof.
- (d) Costs of the application

The application is premised on grounds '1' to '13' set out on the face of the Notice of motion the nub of which is that the Respondent judgment debtor is in default despite numerous demands to satisfy the judgment of the court delivered on 25/9/2023.

That the Respondent was served with the Decree and judgment of the court by a letter dated 1/10/2023.

That the Respondent has blatantly failed, refused and/or neglected to renew the contract of the Petitioner with effect from the date of judgment for a term of three (3) years and to pay the Petitioner damages of Kshs. 2,221,104.00 thereof. That the court grants the orders sought.

The Respondent has not filed any plausible response to the application while arguing that they have noted an appeal to the Court of Appeal to have the judgment set aside.

The Respondent is not involved in the application as the money is with the Garnishee.

The court was told that as at 27/11/2025 the account had Kshs. 861,000,000.00 (Eight hundred and sixty-one million).

DETERMINATION

The Respondent is guilty of blatant disregard of the court judgment and decree without any justification. The court allows the application as prayed and grants an order in the following terms: -

- (a) A Garnishee order absolute is issued to pay a sum of Kshs. 2,221,104.00 to the Petitioner in respect of Account No.1210001942 with Kenya Commercial Bank belonging to Kenya Civil Aviation Authority, the judgment Debtor/Respondent hereof.

(b)The Respondent to pay the costs of this application to the Applicant and Garnishee.

Dated at Nairobi this 14th day of April 2026



Mathews Nduma
JUDGE

Dated, signed and delivered in open court at Nairobi this 22nd day of April 2026

Dr. Gakeri J.
JUDGE

Appearances:

Mr. Kurauka for Applicant/Decree Holder

M/s. Kioko for Judgment/Debtor

M/s. Kimatha for Garnishee

Mr. Kemboi – Court Assistant