



**Uwanamo v Maxiguard Equities Limited & another (Cause
303 of 2014) [2025] KEELRC 602 (KLR) (28 February 2025) (Ruling)**

Neutral citation: [2025] KEELRC 602 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 303 OF 2014
J RIKA, J
FEBRUARY 28, 2025**

BETWEEN

GEORGE SHITOKO UWANAMO CLAIMANT

AND

MAXIGUARD EQUITIES LIMITED 1ST RESPONDENT

CATHOLIC DIOCESE OF NAKURU 2ND RESPONDENT

RULING

1. Judgment was delivered in favour of the Claimant against the 1st Respondent, on 6th December 2022.
2. The Claimant was granted a total sum of Kshs. 210,065, comprising compensation for unfair termination and terminal benefits.
3. On 19th June 2023, the 1st Respondent applied to be allowed to pay the decretal sum in instalments of Kshs. 10,000, monthly.
4. The Court allowed the 1st Respondent to pay half of the decretal sum within 30 days, and the balance in 30 days.
5. The 1st Respondent does not seem to have complied, but has instead, subsequently filed wasteful applications, delaying full and final settlement of the Judgment.
6. First, the 1st Respondent presented an application dated 1st August 2024, seeking orders for stay of execution, and again, to be allowed to liquidate the decretal sum, in instalments of Kshs. 50,000 monthly.
7. The 1st Respondent joined the Catholic Diocese of Nakuru as a 2nd Respondent. It is not clear from the record in what context, the Diocese is named as a 2nd Respondent.



8. Another application dated 3rd September 2024 was filed by the 1st Respondent, asking the Court to stay execution of its Judgment. The second application again names the Diocese as a 2nd Respondent, without an explanation.
9. The Claimant relies on his affidavit sworn on 9th August 2024. His position is that the application by the 1st Respondent to be allowed to pay the decretal sum in instalments, and for stay of execution of Judgment is res judicata.
10. Parties agreed to have the applications considered and determined on the strength of their affidavits and submissions. They confirmed filing and exchange of their submissions at the last appearance before the Court, on 6th November 2024.

The Court Finds: -

11. Both applications are in gross abuse of the process of the Court. The Court adjudicated the prayer on the mode of payment of the decretal sum, and on stay of execution, in the Ruling on the application dated 19th June 2023. The applications filed by the 1st Respondent subsequently are in gross abuse of the process of the Court, and are res judicata.
12. It is not clear what role the Catholic Diocese of Nakuru is meant to play, in the applications. It was not a Respondent from the beginning. The Court has not seen any application and orders, introducing the Diocese as a Co-Respondent.
13. In its submissions dated 4th November 2024, the 1st Respondent does not name the Diocese as a Co-Respondent.
14. This is an old Claim, filed 11 years ago. Judgment was made in 2022, and even if the Claimant had paid instalments of Kshs. 10,000 or 50,000 monthly, effective 3 years ago, as desired, there would be no decretal sum pending satisfaction today. The Respondent has not acted rationally.
15. The 2 applications are in gross abuse of the process of the Court, and intended to delay the Claimant, in actualizing the fruits of his Judgment, delivered 3 years ago, in 2022.

It Is Ordered: -

- a. The applications dated 1st August 2024 and 3rd September 2024, are declined.
- b. Costs on both applications to the Claimant.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, THIS 28TH FEBRUARY 2025.

JAMES RIKA

JUDGE

