



**Kenya Union of Commercial, Food and Allied Workers Union v Meera Umoja [K] Limited (Cause E055 of 2021) [2025] KEELRC 827 (KLR) (14 March 2025) (Ruling)**

Neutral citation: [2025] KEELRC 827 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU  
CAUSE E055 OF 2021**

**J RIKA, J**

**MARCH 14, 2025**

**BETWEEN**

**KENYA UNION OF COMMERCIAL, FOOD AND ALLIED WORKERS  
UNION ..... CLAIMANT**

**AND**

**MEERA UMOJA [K] LIMITED ..... RESPONDENT**

**RULING**

1. The application filed by the Claimant dated 4<sup>th</sup> March 2025 is not urgent.
2. It is not warranted.
3. The Claimant has not clarified what traveling documents belonging to the Respondent's Managing Director, should be deposited in Court, and why they should be deposited in Court.
4. It is not deponed, or shown, that the Managing Director is a flight risk.
5. The Claimant states that it has in the past attached a motor vehicle belonging to the Respondent.
6. The vehicle was released after the parties agreed on staggered liquidation of the decretal sum.
7. The Claimant complains that the Respondent issued bouncing cheques after the parties agreed on instalments.
8. This default does not justify why the Claimant has not reapplied for attachment and sale of the Respondent's assets, but instead applied for committal to civil jail, of the Respondent's Managing Director.
9. The Claimant should reapply for attachment and sale of the Respondent's assets, before seeking to have the Respondent's Managing Director committed to civil jail.



10. Civil jail, restraining the personal liberty, and freedom of movement of an individual, should only come as a last resort, where the judgment-debtors' assets cannot be traced for attachment and sale.
11. The Claimant attached the Respondent's motor vehicle, only a few months ago.
12. It has not been shown that the Respondent's assets are untraceable or non-existent, so as to justify personal restraint of the Respondent's Managing Director's liberty, and his confinement in civil jail.

**It Is Ordered: -**

- a. The application filed by the Claimant dated 4<sup>th</sup> March 2025 is declined.
- b. The Claimant is at liberty to reapply for execution of decree by mode of attachment and sale of the Respondent's movable assets.
- c. A copy of the Ruling to be availed to both parties by the Court.

**DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, THIS 14<sup>TH</sup> DAY OF MARCH 2025.**

**JAMES RIKA**

**JUDGE**

