



REPUBLIC OF KENYA



KENYA LAW
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**Juma v Anglican Church of Kenya All Saints Cathedral Diocese (Cause
368 of 2016) [2025] KEELRC 777 (KLR) (13 March 2025) (Ruling)**

Neutral citation: [2025] KEELRC 777 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 368 OF 2016
S RADIDO, J
MARCH 13, 2025**

BETWEEN

REV DANIEL MICHAEL JUMA CLAIMANT

AND

**THE ANGLICAN CHURCH OF KENYA ALL SAINTS CATHEDRAL
DIOCESE RESPONDENT**

RULING

1. In a judgment delivered on 21 November 2024, the Court found for Rev Daniel Michael Juma (the Claimant) and awarded him:
 - i. Salary arrears Kshs 855,281/-
 - ii. Pay in lieu of notice Kshs 217,206/-
 - iii. Compensation Kshs 2,172,060/-
2. The Court also awarded interest and costs.
3. The Anglican Church of Kenya, All Saints Cathedral Diocese (the Respondent) was aggrieved and it filed a Notice of Appeal against the judgment, and a Motion dated 18 February 2025 seeking orders:
 - i. ...
 - ii. ...
 - iii. That pending the hearing and determination of the intended appeal, the Honourable Court be pleased to grant an order of stay of execution of the judgment delivered on 21st November 2024.
 - iv. That the costs of and incidental to this application be costs in the cause.



4. The Claimant filed a replying affidavit opposing the Motion on 7 March 2025.
5. In the affidavit, the administrator of the estate of the Claimant deponed that the intended appeal was misconceived and meant to frustrate the estate from accessing the decretal sums; execution was a lawful process for recovery of a debt; substantial loss had not been demonstrated and that if the Court were to allow the application, half of the decretal sum should be released to her.
6. The Respondent filed its submissions on 27 February 2025, and the Claimant on 8 March 2025.
7. The Court has given due consideration to the Motion, affidavits and submissions.
8. The judgment in contention was delivered on 21 November 2024, and the instant Motion was filed on 18 February 2025.
9. The Claimant has not asserted that there was an inordinate delay in moving the Court. Her main contention is that the Respondent has not demonstrated that it would be occasioned substantial loss if the stay were to be declined and that to achieve equality of arms, the decretal sum ought to be deposited into an interest earning account in the names of the parties' advocates.
10. The Respondent made some payments to the Claimant on the uncontested award. It has offered to provide security to secure the due performance of the decree pending the hearing and determination of the intended appeal.
11. In the circumstances the Court will allow the Motion.

Orders

12. The Court orders:
 - i. An order of stay of execution pending determination of the Appeal before the Court of Appeal is granted on conditions as hereunder.
 - ii. The Respondent to pay to the Administrator of the estate of the Claimant through her advocate on record Kshs 1,000,000/- (Kshs One Million only) within 30 days from today.
 - iii. The balance of the decretal sum be deposited in an interest-earning account in the names of the parties' advocates on record within 30 days from today.
 - iv. The parties to agree on the bank and branch where the balance of the decretal sum will be deposited hereinafter.
13. Costs in the cause.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 13TH DAY OF MARCH 2025.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For Claimant Ameka & Co. Advocates

For Respondent Kaplan & Stratton Advocates

Court Assistant Wangu

