



**Murei v Elite Tools Ltd (Miscellaneous Application E307 of 2024)
[2025] KEELRC 1568 (KLR) (29 May 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1568 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
MISCELLANEOUS APPLICATION E307 OF 2024**

**S RADIDO, J
MAY 29, 2025**

BETWEEN

GILBERT KIPROTICH MUREI APPLICANT

AND

ELITE TOOLS LTD RESPONDENT

RULING

1. For determination is a Motion dated 22 October 2024, seeking orders:
 - i. That this Honourable Court be pleased to adopt as a judgment of this Court the award of the Directorate of Occupational Safety and Health Officer Industrial Area – Nairobi County made on 11th March 2024.
 - ii. That judgment be entered for the applicant against the Respondent for the sum of Kshs 813,340/- as per the award made on 11th March 2024 by the Senior Occupational Safety and Health Officer, Industrial Area – Nairobi County.
 - iii. That this Honourable Court be pleased to award interest on the amount at court rates from the date of assessment until payment in full.
 - iv. That the applicant be awarded costs of this application.
2. The grounds in support of the Motion were that the applicant, an employee of the Respondent was injured in the course of work on 9 May 2022; a report was made to the Director, Occupational Safety and Health; the Director assessed compensation payable at Kshs 813,340/- on 11 March 2022, and a demand had been made to the Respondent but that the Respondent had neglected to make payment.
3. The Respondent did not file a replying affidavit within the prescribed time, and on 24 March 2025, it made an oral application for leave to file a response.



4. The Court declined to grant leave.
5. On the same day, the Court directed the parties to file and exchange submissions. The applicant filed his submissions on 27 March 2025.
6. The Respondent's submissions were filed on 28 May 2025 (should have been filed and served by 8 May 2025).
7. The applicant asserted in his submissions that the Respondent had not objected to the Director's award of Kshs 813,340/- made on 11 March 2024, and therefore the award was final and a debt due. The applicant cited case law.
8. The Respondent urged the Court in its submissions to deduct the monies already paid to the applicant from the Director's award.
9. The Court has considered the Motion, affidavit in support and submissions.
10. It is not in dispute that the applicant was injured in the course of work and that the Director of Occupational Safety and Health made an award of Kshs 813,340/- on 11 March 2024.
11. The Respondent did not object within the 30 days stipulated under section 52(2) of the [Work Injury Benefits Act](#) or notify the Director that it had made a part settlement.
12. The Respondent should have made payment within 90 days of demand of payment by the Director of Occupational Safety and Health.
13. The Court has no reason not to allow the Motion.

Conclusion and Orders

14. The Motion dated 22 October 2024 is allowed in the following terms:
 - i. The award dated 11 March 2024 by the Director of Occupational Safety and Health Services in the sum of Kshs 813,340/- is adopted as a judgment of the Court.
 - ii. The award to attract interest at court rates from 22 October 2024.
15. The applicant to have costs of the Motion.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 29TH DAY OF MAY 2025.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For applicant Kangethe Waitere & Co. Advocates

For Respondent HKM Associates Advocates

Court Assistant Wangu

