



**Woodyard v Mbavu & 2 others (Cause 162 of 2025)
[2025] KEELRC 1610 (KLR) (29 May 2025) (Ruling)**

Neutral citation: [2025] KEELRC 1610 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 162 OF 2025**

**B ONGAYA, J
MAY 29, 2025**

BETWEEN

JOE SIMON WOODYARD OBJECTOR

AND

MONICA WANZA MBAVU CLAIMANT

AND

ROOFSPEC & ALLIED WORKS CO LTD 1ST RESPONDENT

INTERFIELD AUCTIONEERS 2ND RESPONDENT

RULING

1. The objector filed the notice of motion dated 04.11.2024 through CNK Advocates LLP , The application was under section 3A of the Civil Procedure Act Cap 21 of the Laws of Kenya; Order 22 rule 51(2) and Order 51 rule 1 of the Civil Procedure Rules, 2020. The objector applicant prayed for orders as follows:
 1. Spent.
 2. The execution of the proclaimed property be stayed pending the hearing of this application inter partes.
 3. The 1st defendant is a limited liability company, has a separate legal personality from the 2nd defendant/applicant and the 2nd defendant/applicant cannot be held legally accountable for any of the actions of the 1st defendant.
 4. The decree holder through his agents including Interfiled Auctioneers or any other auctioneers be precluded from proclaiming or having proclaimed, from attaching, or selling the objector's goods in answer of the Decree of this Honourable Court.



5. The costs of this application be provided for.
2. The application was premised on the grounds set out therein and supported by the affidavit sworn by the objector on 04.11.2024. The objector urged as follows:
 - a. That Interfield Auctioneers served him with a Proclamation Notice dated 14.10.2024 proclaiming his household goods and personal motor vehicles.
 - b. He is neither a party to this suit nor an interested party.
 - c. He will stand to suffer irreparable damage if this Honourable Court does not grant the above orders.
 - d. It is in the interest of justice that the application is allowed.
3. The claimant filed her replying affidavit sworn on 13.11.2024 through Ashiruma & Co. Advocates. She opposed the objector proceedings and urged the Court to dismiss the same with costs. She averred as follows:
 - a. That the proclaimed Motor Vehicle Registration No. KBD 616Y Nissan Patrol, claimed by the objector herein, was bought by the 1st respondent in 2008 while she was in the 1st respondent's employment.
 - b. The 1st respondent's director, Mr. Stafford Woodyard, is the biological father of the objector herein.
 - c. The judgment-debtor's advocate, one Mr. Graig Oyugi, is the same advocate appearing for the objector, thus raising suspicion and conflict of interest.
 - d. When Icon Auctioneers proceeded to proclaim the said Motor Vehicle on 29.03.2023, the objector herein did not raise any objection. The objector is therefore estopped from raising any objection at this particular time, and he became an interested party in this matter when he volunteered to pay the decretal amount to the claimant's advocates on behalf of the judgment-debtor.
 - e. The objector herein has previously, together with the judgment debtor's counsel, Mr. Graig Oyugi, engaged the claimant's advocates in negotiations on how they intended to settle the decretal amount, and on 20.04.2023, the objector through Mpesa, paid to the claimant's advocate Kshs. 200,000/= on behalf of the judgment-debtor.
 - f. Without prejudice to the foregoing, Motor Vehicle KBD 616Y was transferred to the objector on or about 31.05.2023, as shown on the annexed Log Book (Objector's annexure 1), after the same had been proclaimed by Icon Auctioneers on 29.03.2023. This was only meant to defeat the cause of justice and deny the claimant the fruits of her judgment.
 - g. The judgment-debtor had made similar attempts to frustrate execution when it filed a Notice of Motion Application dated 16.05.2023. However, the said application was withdrawn and it was expected that the judgment-debtor would proceed and make the final payment on the balance owed on the Decree. Unfortunately, the application has returned disguised as an objector.
4. The objector and the claimant filed their respective submissions. The Court has considered the submissions and parties respective positions and returns as follows:



- a. The objector does not deny that he is a son to one of the directors of the 1st respondent Company, the judgment debtor.
 - b. The motor vehicle appears to have been transferred on 31.05.2023 per annexed logbook. The objector does not deny that the same motor vehicle had been previously attached when the objector offered to pay the judgment debt and actually paid Kshs.200, 000.00 within an arrangement to lift the attachment and the objector to pay.
 - c. No evidence is exhibited to show that the household goods attached actually belong to the objector, a fact appearing acknowledged by the objector.
 - d. The Court considers that the transfer of the motor vehicle was calculated to defeat the execution to recover the judgment debt.
 - e. The same motor vehicle and households had been proclaimed 29.03.2023.
 - f. In the circumstance that the previous proclamation of the same motor vehicle and goods had been set aside on the understanding the objector undertook to pay the debt, it appears to the Court that the objection proceedings are calculated to delay or defeat the execution proceedings.
 - g. The application is therefore liable to fail. It should be that there be a temporary stay of execution proceedings up to close of 15.06.2025 for the objector and judgment debtor to pay the judgment debt or to enter an arrangement on how to pay and failing the two options, the execution may proceed as already commenced.
5. In conclusion the objection proceedings and application are hereby determined with orders:
1. The application and objection proceedings are dismissed.
 2. There be a temporary stay of execution proceedings up to close of 15.06.2025 for the objector and judgment debtor to pay the judgment debt or to enter an arrangement on how to pay and failing the two options, the execution may proceed as already commenced.
 3. The objector to pay the decree holder's costs of the application and objection proceedings.

SIGNED, DATED AND DELIVERED BY VIDEO-LINK AND IN COURT AT NAIROBI THIS THURSDAY 29TH MAY, 2025.

BYRAM ONGAYA

PRINCIPAL JUDGE

