



REPUBLIC OF KENYA



KENYA LAW
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Akanga v Capital Markets Authority (Employment and Labour Relations Cause 1187 of 2014) [2025] KEELRC 1359 (KLR) (8 May 2025) (Ruling)

Neutral citation: [2025] KEELRC 1359 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE 1187 OF 2014**

MN NDUMA, J

MAY 8, 2025

BETWEEN

SOLOMON AKANGA CLAIMANT

AND

CAPITAL MARKETS AUTHORITY RESPONDENT

RULING

1. In the application by the Applicant/Respondent dated 15/10/2024, the Respondent prays for orders that: -
 1. Spent
 2. spent
 3. The Honorable Court be pleased to correctly tabulate the amount due under the said judgment dated 6/10/2022.
the judgment of the court at paragraph 44 states: -
2. In the final analysis, judgment is entered in favour of the Claimant against the Respondent as follows: -
 - a. Kshs. 395,478.00 in lieu of 3 months' notice
 - b. Kshs. 395,478.00 being the equivalent of 3 months' salary in compensation
 - c. Kshs. 13,826.00 in lieu of leave days not taken. Total amount Kshs. 922,782,000.00
 - d. Interest at court rate from the date of filing suit till payment in full.
 - e. Costs of the suit .
3. The Applicant raises the following issues:



- i. The judgment was delivered on 6/10/2022 and so any decree extracted ought to bear the same date of 6/10/2022 in terms of Order 21 R8 of Civil Procedure Rules.
 - ii. That the execution is made more than a year since the decree was filed and so notice to show cause ought to be first issued in terms of Order 22 R18(1) (e) of Civil Procedure Rules.
 - iii. That no decree has been extracted or shared with the Applicant prior to the execution in violation of 021 R8 (2) to (4) of Civil Procedure Rules.
4. That if the aforesaid procedure was followed, the Applicant would have used that opportunity to challenge the question of interest.
 5. The court has considered matters raised for clarification by the parties and notes the following.
 6. That section 26(1) of *Civil Procedure Act* provides as follows: -

Where and in so far as a decree is for payment of money, the court may in the decree order interest at such rates as the court deems reasonable to be paid on the principal sum adjudged from the date of the suit to the date of decree in addition to any interest adjudged on such principal sum for any period before the institution of the suit.”
 7. The judgment of the court is clear that interest on the principal sum is payable with interest at court rates from the date of filing suit till payment in full. the question of section 26(1) of the *Civil Procedure Act* does not arise therefore. The principle laid out in the case of CIC General Insurance Group Limited versus Marube (2022) KEHC 13668 (KLR) as cited by the Applicant is not applicable to the facts of this case.
 8. Interest is payable on the principal amount from the date of filing suit till payment in full, period. No other interpretation may be derived from the express and clear judgment of the court as the Applicant purports to do. Only one interest rate, which is the current court rate at the time of judgment is applicable to the entire decretal sum.
 9. The court finds that the decree should bear the date of the judgment which is 6th day of October 2022 which date is correctly reflected on the face of the decree.
 10. The warrants of attachment are however dated 9th October 2024, the date the same were extracted. Any opportunity lost on the Applicant to challenge the interest payable is mitigated by the clarification in this Ruling that interest for the entire decretal sum is payable with interest at court rates applicable as at the date of the judgment which is 6th October 2022. Any variation on the court interest rates after the date of the judgment does not apply to the judgment and decree of the court dated 6/10/2022.
 11. The interest rate applicable as at the date of judgment was 12% and is therefore the interest applicable to the entire decretal sum herein.

It is so ordered.

DATED AT NAIROBI THIS 8TH DAY OF MAY 2025

MATHEWS NDUMA

JUDGE

Appearance:

Mr. Wakwaya for Judgment/Defendant Applicant

Mr. Akanga for Defence/H Respondent



Mr. Kemboi – Court Assistant

