



REPUBLIC OF KENYA



KENYA LAW

THE NATIONAL COUNCIL FOR LAW REPORTING

Where Legal Information is Public Knowledge

Sowanane & 62 others v Mediheal Group Limited & 16 others; National Health Insurance Fund & 2 others (Garnishee) (Employment and Labour Relations Claim E006 of 2024) [2025] KEELRC 2172 (KLR) (23 July 2025) (Ruling)

Neutral citation: [2025] KEELRC 2172 (KLR)

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU

EMPLOYMENT AND LABOUR RELATIONS CLAIM E006 OF 2024

AN MWAURE, J

JULY 23, 2025

BETWEEN

PAWAN KUMAR SOWANANE 1ST CLAIMANT
SHEETAL KANARE 2ND CLAIMANT
MANOJ BAWANE 3RD CLAIMANT
DEEPAK VISHWAKARMA 4TH CLAIMANT
SHAIENDRA SINGH NAIK 5TH CLAIMANT
SANDEEP KUMAR SRIVAS 6TH CLAIMANT
MANISCH GULIA 7TH CLAIMANT
BALSRI MARAK 8TH CLAIMANT
JACOB ABRAHAM RURAM 9TH CLAIMANT
SUNJAY DHAR 10TH CLAIMANT
PALETI KRISHNA MURTHY CHOUDARY 11TH CLAIMANT
GIRIJA BALLAV MAHAPTRA 12TH CLAIMANT
RAJEEV TAPULOI 13TH CLAIMANT
CHANLAL SINGH 14TH CLAIMANT
VARUN SAXENA 15TH CLAIMANT
RACHNA JAIN 16TH CLAIMANT
SANKET JAIN 17TH CLAIMANT
DINESH SHARDA 18TH CLAIMANT



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| RAHUL BHASKARRAO PATIL | 19 TH CLAIMANT |
| RAJA HARISHCHAND | 20 TH CLAIMANT |
| SATHISH RAVI | 21 ST CLAIMANT |
| NIRMAL KUMAR NARSARIA | 22 ND CLAIMANT |
| VIRAIN KUMAR | 23 RD CLAIMANT |
| MUKESH KUMAR | 24 TH CLAIMANT |
| DINESH KESAVAN | 25 TH CLAIMANT |
| HIMANSHU VYAS | 26 TH CLAIMANT |
| BABU YANGAAH | 27 TH CLAIMANT |
| ANIT VETUEVELIL MARCOS | 28 TH CLAIMANT |
| JOMINI GEORGE | 29 TH CLAIMANT |
| JITTO VARGHESE | 30 TH CLAIMANT |
| AMBIKA THIPPESWAMY | 31 ST CLAIMANT |
| LINGARAJU RAMANA | 32 ND CLAIMANT |
| AMANDEEP SING DHAMI | 33 RD CLAIMANT |
| SASANTH SIVAN | 34 TH CLAIMANT |
| ABRAHAM GEORGE | 35 TH CLAIMANT |
| NIXON THANKACHAN | 36 TH CLAIMANT |
| TINTU JOSEPH | 37 TH CLAIMANT |
| RAKESH KUMAR AHIRWAR | 38 TH CLAIMANT |
| SONAM SAXENA | 39 TH CLAIMANT |
| SHEKHAR SUDAM POKALE | 40 TH CLAIMANT |
| DIPALI ULHAS DUKARE | 41 ST CLAIMANT |
| SUNEEL KUMAR KASUKURTHI | 42 ND CLAIMANT |
| DEVENDER PAL SINGH | 43 RD CLAIMANT |
| SAIF ALAM | 44 TH CLAIMANT |
| RAMA KRISNA RAVURI | 45 TH CLAIMANT |
| VIMALKUMAR DILIPHA PADHYAR | 46 TH CLAIMANT |
| PERVEZ AHMED SIDIQI | 47 TH CLAIMANT |
| MAHESH CHAND GUPTA | 48 TH CLAIMANT |
| JIGNESHKUMAR OGHADBHAI AHIR | 49 TH CLAIMANT |
| NAVEEN CHANDRA ACHARYA | 50 TH CLAIMANT |



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| BOKA NAGESHWAR RAO | 51 ST CLAIMANT |
| AJAZ AHMAD | 52 ND CLAIMANT |
| SANTOSH DEVARAJ | 53 RD CLAIMANT |
| PARAG ASHOK PATIL | 54 TH CLAIMANT |
| GEETAANJALI PARAG PATIL | 55 TH CLAIMANT |
| RAMEESH RAVEENDRAN | 56 TH CLAIMANT |
| KUTTCHIRAVELI SURENDAN SURESH | 57 TH CLAIMANT |
| ANU VARGHESE | 58 TH CLAIMANT |
| ETTERIKUNNATH DEEPAK CHANDRAN | 59 TH CLAIMANT |
| LIGI ANN ABRAHAM | 60 TH CLAIMANT |
| KRIPALKALLELIL BALANA | 61 ST CLAIMANT |
| MOHEEN ABDALA KHADAR | 62 ND CLAIMANT |
| SUBHASH CHANDRALAL | 63 RD CLAIMANT |

AND

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| MEDIHEAL GROUP LIMITED | 1 ST RESPONDENT |
| MEDIHEAL DIAGNOSTICS AND FERTILITY CENTER LIMITED | |
| DIAGNOSTICS AND FERTILITY CENTER LIMITED | 2 ND RESPONDENT |
| MEDIHEAL HOSPITAL (PARKLANDS) LIMITED | 3 RD RESPONDENT |
| MEDIHEAL HOSPITAL (NAKURU) ANNEX LIMITED | 4 TH RESPONDENT |
| MEDIHEALHOSPITAL (EASTLEIGH) LIMITED | 5 TH RESPONDENT |
| MEDIHEAL DOCTORS PLAZA ELDORET LIMITED | 6 TH RESPONDENT |
| MEDIHEAL TOWN CLINIC ELDORET LIMITED | 7 TH RESPONDENT |
| DAYCARE NAIROBI LIMITED | 8 TH RESPONDENT |
| MEDIHEAL MINIMAL ACCESS SURGERY & DAYCARE CENTRE | |
| LIMITED | 9 TH RESPONDENT |
| MEDIHEAL HOSPITAL AND FERTILITY CENTRE ELDORET ... | 10 TH |
| RESPONDENT | |
| MEDIHEAL HOSPITAL AND FERTILITY CENTRE LTD | 11 TH RESPONDENT |
| MEDIHEAL L (NAKURU) COMPANY LIMITED | 12 TH RESPONDENT |
| MEDIHEAL HOSPITAL NAKURU TOWN CLINIC | 13 TH RESPONDENT |
| MEDIHEAL HOSPITAL AND FERTILITY CLINIC KAKAMEGA | 14 TH |
| RESPONDENT | |
| MEDIHEAL HOSPITAL AND FERTILITY CENTRE RWANDA ... | 15 TH |
| RESPONDENT | |



SWARUP RANJANI MISHRA 16TH RESPONDENT

PALLAVI MISHRA 17TH RESPONDENT

AND

NATIONAL HEALTH INSURANCE FUND GARNISHEE

MEDICAL ADMINISTRATORS KENYA LIMITED GARNISHEE

MOI UNIVERSITY GARNISHEE

RULING

1. There are quite some numerous applications herein.
2. The application dated 20th March 2025 a decree nisi and decree absolute were issued against NHIF, MAKL and Moi University and MAKL respectively on 20th March 2025 and 15th April 2025.
3. A further order decree nisi was granted on 12th June 2025 to MAKL on accounts held by Diamond Trust in satisfaction of Kshs.367,040.030/=.
4. Further an order was issued against NHIF, MAKL and Moi University stopping them from dealing with the Respondent's accounts until the payment of Kshs.367,040,030/=.
5. MAKL has filed an application and is dated 3rd July 2025. They state they have already paid out Kshs.455,021,152/= to the Respondents and since the respective Respondents and 2nd Garnishee have not verified the amounts the 2nd Garnishee holds if any, then the orders for decree nisi and decree absolute should be set aside.
6. The Claimants affidavit of service dated 11th July 2025 Paragraph 22(e) indicate the 2nd Garnishee has admitted it has released Kshs.455,021,159 to the Respondents out of Kshs.497,000,000/=. There should then be a balance of Kshs.41,978,841/=.
7. The court therefore will give the Claimants time and the Respondents and Interested parties (if they so wish) to file replying affidavits to the 2nd Garnishee's application and this will be 14 days from today.
8. Meanwhile, the decree nisi issued and decree absolute issued on 20th March 2025 and 15th April 2025 respectively are varied to cap at Kshs.41,978,841/= not Kshs.367,040,030/=. The MAKL Certificate dated 21st March 2023 they admitted they held Kshs.497,020,000/= as at July 2022.
9. The court therefore orders a decree absolute against MAKL of Kshs.41,978,841 pending satisfaction of the same to the Claimants as partial payments of the decretal sum.
10. The order issued on 12th June 2025 being prayer No. 3 of the Notice of motion application dated 14th May 2025 is set aside pending the full determination of the application by the 2nd Garnishee dated 3rd July 2025. That is the order restraining Respondents from dealing with the funds held by the 1st, 2nd, and 3rd Garnishee and so the same is set aside.
11. As for the application by NCBA Bank dated 11th July 2025 the court finds it is only fair the Claimant is given an opportunity to respond. They are given also 14 days to respond.
12. As for Diamond Trust Bank they aver they are holding Kshs.5,116,392/79 with MAKL on account of the Respondents.



13. Then MAKL should pay the amounts on behalf of Diamond Trust Bank to the Claimants and pay costs of Kshs.80,000/= to the Counsels of Diamond Trust Bank and then unless the Claimant will have other concerns Diamond Trust will be discharged once the same is paid.
14. The case will be mentioned on 8th October, 2025 to give Ruling dates for the applications dated 3rd July 2025 by 2nd Garnishee and 11th July 2025 by 5th Garnishee and 20th March 2025 by the Claimants.

Mr. Shah States - I wish to apply for leave to appeal.

Order

Claimant is given leave to appeal the ruling as is their right.

A. Mwaure – Judge

Miss Shah

15. There was a Garnishee application against Social Health Authority dated 11th July 2025. They had not filed a response. They can be granted further time to respond.

Order

16. The Social Health Authority are given some 21 days to respond to the Claimants application dated 11th July 2025. Mention on 8th October, 2025 for further directions.
17. Claimant to inform them of the directions and to serve them with the mention notice.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAKURU THIS 23RD DAY OF JULY, 2025.

ANNA NGIBUINI MWAURE

JUDGE

Order

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of *the Constitution* which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of *the Constitution* and the provisions of Section 1B of the *Civil Procedure Act* (Chapter 21 of the Laws of Kenya) which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

ANNA NGIBUINI MWAURE

JUDGE

Ruling read in the presence of: -

Miss Rutvi Shah for the Claimants - Present

Mr. Kisinga for 6th Garnishee - Present

Miss Adunga for 2nd Garnishee - Present



Medical Administrator - Present

Miss Kandie for 5th Garnishee - Present

National Hospital Insurance Fund - 1st Garnishee - Absent

Social Health Authority - 4th Garnishee - Absent

Moi University - 3rd Garnishee - Absent

