



**Mutua v Tripple Edge Media Limited (Cause 144 of 2019)
[2025] KEELRC 2065 (KLR) (11 July 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2065 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 144 OF 2019**

**AK NZEI, J
JULY 11, 2025**

BETWEEN

KENNETH KIMATHI MUTUA CLAIMANT

AND

TRIPPLE EDGE MEDIA LIMITED RESPONDENT

RULING

1. The application before me is the Claimant/Decree holder's Notice of Motion dated 20th March, 2025. The applicant seeks the following substantive Orders:-
 - a. That the Court be pleased to make a final order that as at the date of Judgment on 11th December, 2023, there were no pending loan repayments owed by the Claimant and that the unremitted loan deductions due amount to Kshs.560,000/= as sought in the Memorandum of Claim, thereby bringing the cumulative final award to Kshs.2,878,999.65.
 - b. That the Respondent be directed to satisfy the said Judgment sum forthwith, failure to which execution do issue.
 - c. That the Court be pleased to issue any further Orders that it deems fit to grant.
 - d. That costs of the proceedings be borne by the Respondent.
2. The application, expressed to be brought under Article 159 of *the Constitution* of Kenya 2010, Sections 3, 12 and 20 of the *Employment and Labour Relations Court Act* and Rule 33 of the Employment and Labour Relations Court (Procedure) Rules 2016, sets out on its face the grounds on which it is brought, which grounds are replicated in the Claimant/Applicant's supporting affidavit sworn on 20th March, 2025. It is deponed in the said affidavit:-



- a. that this Court (Dr. Gakeri, J), delivered its Judgment on 11th December, 2024, and in the Judgment ordered Counsel for both parties to compute the loan re-payments and unremitted deductions, and to then present the findings to the Court for adoption.
 - b. that Counsel for the Claimant/Applicant wrote to the Respondent, which did not have legal representation at the material time, inviting its directors for reconciliation of accounts as directed by the Court, but no response was forthcoming.
 - c. that the Respondent's inaction can only be construed as an implicit acknowledgment and acceptance of the sum prayed for in the Memorandum of Claim as the rightful amount due to the Claimant.
 - d. that there were no pending loan repayments as at the time of delivery of Judgment.
 - e. that regarding unremitted loan deductions, the Claimant/Applicant relies on the amount of Kshs.560,000/= pleaded in the Memorandum of Claim.
 - f. that the Claimant/Applicant is desirous of enforcing the Judgment and enjoying the fruits thereof; and that the Respondent will not suffer prejudice if the application is allowed.
3. The Respondent did not file any opposition to the application, though shown to have been served with the application pursuant to the Court's directions given on 24th March, 2025. There is an affidavit of service on record. The application stands unopposed.
 4. The Court's record shows that Judgment was on 18th December, 2023 entered in favour of the Claimant against the Respondent as follows:-

“In the upshot, Judgment is entered in favour of the Claimant against the Respondent in the following terms:-

- a. The Claimant is awarded the unpaid salaries for the months tabulated herein below as follows:-
 1. November 2015 Kshs.375,000.00
 2. January 2016Kshs.375,000.00
 3. February 2016Kshs. 38,999.65
 5. March 2016Kshs. 25,000.00
 6. April 2016Kshs. 25,000.00
 7. May 2016Kshs. 25,000.00
 8. June 2016Kshs. 25,000.00
 8. From July – November 2016 Kshs.130,000.00
 - Less Loan repayment (to be computed by Counsels for adoption by the Court)
 9. December 2016Kshs.130,000.00
 10. January 2017Kshs.130,000.00
 11. February 2017Kshs.130,000.00
 12. August 2017Kshs.130,000.00



13. September 2017Kshs.130,000.00
14. November 2017Kshs.130,000.00
15. Unremitted loan repayments (to be computed by Counsels for adoption by the Court).
 - b. Certificate of service to issue to the Claimant within 30 days.
 - c. Costs of the suit.
 - d. Interest at Court rates from the date hereof till payment in full.”
5. Counsel for the Claimant/Applicant told this Court on 22nd May, 2025 that Counsel for the Respondent had ceased acting for the Respondent on 4th October, 2023 when the Court allowed their application to cease acting. It is deponed in the Claimant’s supporting affidavit that the Claimant’s Advocates wrote to the Respondent’s directors inviting them for reconciliation of accounts, and that the letter was not responded to. A copy of the letter (dated 3rd October, 2024) is annexed to the Claimant’s supporting affidavit.
6. The Claimant/Applicant’s Advocates’ said letter, addressed to the Respondent’s directors, states as follows:-

“ . . . On 11th December, 2023, the Court entered Judgment in favour of the Claimant. The Judgment directed Counsel for both parties to compute the loan amount paid and the amount of the unremitted loan for the Court’s consideration.

As you may be aware, your advocates had previously filed an application to cease acting on your behalf. In light of this development, we are forwarding you the Court’s Judgment and a draft decree for your review and agreement.”
7. In the absence of any response or opposition to the Claimant/Applicant’s application, this Court can only allow the same. Accordingly, the Notice of Motion dated 20th March, 2025 is hereby allowed in the following terms:-
 - a. It is hereby ordered that there was no pending loan repayment owed by the Claimant as on the date of Judgment, 11th December, 2023; and that the unremitted loan deductions due amount to Kshs.560,000/=as sought in the Memorandum of Claim.
 - b. Each party shall bear its own costs of the application.
8. Orders accordingly.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 11TH DAY OF JULY 2025

AGNES KITIKU NZEI.

JUDGE

ORDER

This Ruling has been delivered via Microsoft Teams Online Platform. A signed copy will be availed to each party upon payment of the applicable Court fees.

AGNES KITIKU NZEI

JUDGE



Appearance:

No appearance for the Claimant

No appearance for the Respondent

DRAFT

