



**Maridadi Flowers Ltd v Khisa (Miscellaneous Application
067 of 2023) [2024] KEELRC 127 (KLR) (5 February 2024) (Ruling)**

Neutral citation: [2024] KEELRC 127 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
MISCELLANEOUS APPLICATION 067 OF 2023
DN NDERITU, J
FEBRUARY 5, 2024**

BETWEEN

MARIDADI FLOWERS LTD APPLICANT

AND

EZEKIEL WALWANDA KHISA RESPONDENT

RULING

1. In a notice of motion dated 22nd November, 2023, the applicant is seeking for the following prayers;
 1. Spent
 2. Spent
 3. That this honourable court be pleased to set aside the warrants of attachment issued on 21st November 2023 for being illegal, null and void.
 4. That under the supervisory jurisdiction of this Honourable Court over the subordinate Courts, the proceedings, file, records of all rulings in respect to Nakuru Misc. ELRC E167 of 2023 be moved to this court to aid in the determination of this application.
 5. That the Applicants be granted leave to file an appeal from the ruling in Nakuru Misc. ELRC 167 of 2023 dated and delivered by Hon. Orange, Principal Magistrate on the 20th September, 2023.
 6. That the Auctioneers fees be borne by the Respondent.
 7. That the costs of this application be provided for.
2. The court issued interim orders for stay of execution on 23rd November, 2023 pending the hearing and the determination of the application.



3. When the application came up in court for hearing on 14th December, 2023 the respondent or his counsel, though duly served, did not attend court and counsel for the applicant prayed that the application be allowed as prayed.
4. Upon Reading the said application, the supporting affidavit and the annexures thereto, the court makes the following orders:-
 1. That leave be and is hereby granted to the applicant to file an appeal out of time against the ruling and order made by the lower court in Nakuru CMC ELRC E167 of 2023 (Orange PM) on 20th September, 2023.
 2. That the appeal be lodged within 30 days of this ruling failure to which the leave shall lapse automatically.
 3. That pending the filing of the said intended appeal an order for stay of execution be and is hereby issued.
 4. That the costs of this application shall abide with costs in the intended appeal.

DATED, DELIVERED VIRTUALLY AND SIGNED AT NAKURU THIS 5TH DAY OF FEBRUARY, 2024.

DAVID NDERITU

JUDGE

