



**Elemech Engineering Ltd & another v Muthendu (Appeal E068 of 2024)
[2024] KEELRC 13402 (KLR) (11 December 2024) (Ruling)**

Neutral citation: [2024] KEELRC 13402 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
APPEAL E068 OF 2024
J RIKA, J
DECEMBER 11, 2024**

BETWEEN

ELEMECH ENGINEERING LTD 1ST APPELLANT

AMOLAK SINGH ISHER & SONS 2ND APPELLANT

AND

MAINA KAGARA MUTHENDU RESPONDENT

RULING

1. The Appellants acknowledge being granted orders of stay of execution on 18th October 2024.
2. They also acknowledge that they failed to meet the conditions given, for grant of those orders.
3. Subsequently the Appellants have filed several applications, seeking grant of ex parte orders for stay of execution, and also seeking variation of the conditions for stay.
4. One such application was scheduled for hearing on 10th December 2024, when the Appellants failed to attend Court. The Respondent, having been notified by the Appellants was present, and the application was dismissed.
5. The latest application, dated 11th December 2024 seeks another interim ex parte order of stay of execution, and review of the orders granted the previous day, 10th December 2024.
6. With tremendous respect to the Appellants, nothing has changed between 10th December 2024 and 11th December 2024, to warrant grant of the ex parte orders as sought.

It is ordered: -

- a. The Appellants shall serve their current application, dated 11th December 2024, upon the Respondent, to be processed for hearing alongside other pending applications, as directed earlier.



**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAKURU, THIS
11TH DAY OF DECEMBER 2024.**

JAMES RIKA

JUDGE

