



**Uzuri Foods Limited v Manzi (Employment and Labour Relations Appeal E078 of 2022) [2023] KEELRC 170 (KLR) (31 January 2023) (Ruling)**

Neutral citation: [2023] KEELRC 170 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
EMPLOYMENT AND LABOUR RELATIONS APPEAL E078 OF 2022**

**J RIKA, J**

**JANUARY 31, 2023**

**BETWEEN**

**UZURI FOODS LIMITED ..... APPELLANT**

**AND**

**DANIEL NYAMAI MANZI ..... RESPONDENT**

**RULING**

1. Judgment was delivered by the trial court, on June 2, 2022.
2. The respondent employee had filed claim against the appellant employer, for terminal benefits and compensation for unfair termination.
3. He was granted the prayer for overtime at Kshs 1,876,046, holiday pay at Kshs 118,000, certificate of service, costs and interest.
4. The bulk of the claim on unfair termination was declined.
5. The appellant filed memorandum of appeal on June 21, 2022. The respondent filed a cross-appeal dated July 8, 2022.
6. The appellant filed an application for stay of execution pending appeal, dated August 2, 2022. Although the application is opposed, through the replying affidavit sworn by the respondent's advocate on September 11, 2022, it is noted that the respondent has cross-appealed. Both parties are dissatisfied with the judgment of the trial court, and the order of stay of that judgment, would aid the appeal and the cross-appeal. Parties are both not satisfied with the trial court's judgment, and it would be imprudent to proceed with execution. In any event the court is satisfied that both appeal and cross-appeal have arguable grounds of appeal, with reasonable prospects of success, to warrant stay of execution.



7. The court notes also that there is no properly paginated, marked and bound record of appeal. Loose papers on record do not assist the court in preparing its judgment on appeal.

It is ordered: -

- a. Execution of decree/ judgment of the trial court is stayed pending appeal.
- b. A proper record of appeal, paginated, marked and bound, shall be filed.
- c. Thereafter, parties to schedule the appeal for directions.

**DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY, AT NAIROBI,  
UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, THIS 31<sup>ST</sup>  
DAY OF JANUARY 2023.**

**JAMES RIKA**

**JUDGE**

