



**Icom Engineering Co Limited v Juma (Appeal 136 of 2022)
[2023] KEELRC 548 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEELRC 548 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
APPEAL 136 OF 2022
J RIKA, J
FEBRUARY 28, 2023**

BETWEEN

ICOM ENGINEERING CO LIMITED APPELLANT

AND

NAHASHOM NYABANDE JUMA RESPONDENT

*(An application for stay of execution of decree/ judgment in MCELRC
No 1071 of 2020 (Hon E Kagoni, PM) delivered on July 1, 2022.)*

RULING

1. The Trial Court, in MCELRC No 1071 of 2020 [Hon E Kagoni PM] granted the Respondent herein, compensation for unfair termination and terminal benefits, amounting to Kshs 669,473, with costs and interest, in a Judgment delivered on July 1, 2022.
2. The Appellant filed the Memorandum of Appeal dated July 13, 2022, listing 8 Grounds of Appeal, and an Application dated August 18, 2022, for stay of execution pending hearing and determination of the Appeal.
3. Parties recorded an order on November 9, 2022, to have the Application heard and considered on the strength of their written submissions. They confirmed filing and exchange of submissions on December 16, 2022.
4. The Respondent submits at page 9 of his written submissions that he is not opposed to the orders being granted on the condition that the aggregate decretal amount of Kshs 785,912 is deposited in a joint interest earning account in the names of the respective Parties' Advocates.



The Court Finds: -

5. The Appellant has established its Appeal is not frivolous, and contains *bona fide* issues, that can be argued before this Court.
6. The Respondent is amenable to the orders being granted, on the condition that the decretal sum is held in a joint interest earning account, in the names of the Parties' Advocates.

It is ordered: -

- a. An order of stay of execution of decree/ judgment of the Trial Court is granted, pending hearing and determination of the Appeal, on the condition that the decretal amount of Kshs 785,912, is deposited in a joint interest earning account, in the names of the Parties' respective Advocates, within 21 days of this Ruling.
- b. In default execution to proceed.
- c. Costs in the Appeal.

DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY, AT NAIROBI, UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, THIS 28TH DAY OF FEBRUARY 2023.

JAMES RIKA

JUDGE

