



**Mutwota v Bakery Solutions Limited; NCBA Bank Kenya PLC (Objector)
(Cause 650 of 2019) [2023] KEELRC 1002 (KLR) (24 April 2023) (Ruling)**

Neutral citation: [2023] KEELRC 1002 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 650 OF 2019
NZIOKI WA MAKAU, J
APRIL 24, 2023**

BETWEEN

WILFRED MUTWOTA CLAIMANT

AND

BAKERY SOLUTIONS LIMITED RESPONDENT

AND

NCBA BANK KENYA PLC OBJECTOR

RULING

1. The objector seeks to stop the sale of Motor Vehicle KCC 830P by way of public auction as the said vehicle is said to be security for a loan taken by the respondent with the objector. the vehicle from records availed is jointly owned by the respondent and the objector. It is therefore incorrect for the objector to assert as it does, that it is the owner of the vehicle. It is a joint owner and given the vehicle is in the names of the objector and respondent, it cannot be sold without concurrence of the objector.
2. The court notes the vehicle has been held on a gentleman’s agreement between the directors of the respondent and the claimant’s advocate that it will be held as security for the payment of the decretal sum. In that regard, the vehicle is to be released to the objector on condition that the respondent provides a suitable security for payment of the balance of the decretal sum or in the alternative wholly settles the outstanding sum. The costs of this application shall be borne by the respondent.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 24TH DAY OF APRIL 2023

NZIOKI WA MAKAU

JUDGE

