



**Mbugua v Ridhika Capital Limited (Cause 2440 of 2016)
[2023] KEELRC 1383 (KLR) (31 May 2023) (Ruling)**

Neutral citation: [2023] KEELRC 1383 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 2440 OF 2016**

**J RIKA, J
MAY 31, 2023**

BETWEEN

SIMON MBUGUA CLAIMANT

AND

RIDHIKA CAPITAL LIMITED RESPONDENT

RULING

1. Judgment was delivered in favour of the claimant, against the respondent on July 23, 2021, for a sum of Kshs. 616,923 in compensation for unfair termination and terminal dues.
2. The Bill of Costs was taxed at Kshs. 157, 525, through a Ruling of the Honourable Deputy Registrar Daisy Mutai, dated August 4, 2022.
3. The claimant filed an Application dated March 23, 2023, asking the court to order that the respondent's Directors, named above, be cross-examined on the respondent's means, property, assets, capable of satisfying Decree and the Certificate of Taxation; the Directors produce books of accounts and other documentary evidence showing the respondent's means, property and assets capable of satisfying the Decree and Certificate of Taxation; and in the alternative, the court orders that the Directors do satisfy the Decree and Certificate of Costs personally, jointly and severally.
4. The Application is founded on the affidavit of the claimant sworn on March 23, 2023. He states that he was informed that the Respondent is shutting down business and closing down its known address of operation.
5. The affidavit of Service sworn and filed by Learned Counsel for the claimant, Elijah Kariuki Kagunda states the respondent's Advocate was served through WhatsApp, as was Directors Ramadhan Mwayaya Mwinyi and Timothy Mungai Warindi.
6. There is nothing said on service upon John Karanja Kihagi.



7. The supporting affidavit filed by the claimant, does not show evidence of directorship, obtained from the Registrar of Companies. It merely alleges that the persons named as Directors in the Application, are Directors of the respondent. In the respondent's witness statement filed on December 15, 2016, one Japheth Momanyi Monari is said to be a Director of the respondent. Monari states that he was the Director who employed the claimant. He is not among the persons named as Directors of the respondent, in the Application.

It Is Ordered: -

- a. The Application dated March 23, 2023 filed by the claimant is rejected.
- b. No order on the costs.

DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT NAIROBI VIA E-MAIL, UNDER PRACTICE DIRECTION NO. 6[2] OF THE ELECTRONIC CASE MANAGEMENT PRACTICE DIRECTIONS, 2020, THIS 31ST DAY OF MAY 2023.

JAMES RIKA

JUDGE

