



**Auto Continental Limited v Chome (Miscellaneous Application
E052 of 2022) [2023] KEELRC 1998 (KLR) (13 July 2023) (Ruling)**

Neutral citation: [2023] KEELRC 1998 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT MOMBASA
MISCELLANEOUS APPLICATION E052 OF 2022**

**M MBARŪ, J
JULY 13, 2023**

BETWEEN

AUTO CONTINENTAL LIMITED APPLICANT

AND

FRANKLINE NGALA CHOME RESPONDENT

RULING

1. The appellant filed this appeal and application dated 14 July 2022 seeking stay of execution of the trial court judgment delivered on 18 February 2022 pending the hearing and determination of the appeal which appeal has since been addressed and the main claim settled save for the issue of costs.
2. The appellant has since lost interest in the matter and on several occasions, the court has issued notice to have the parties attend and address the appeal and the pending application, and there has been no attendance by the appellant. On 2, 10 and 24 May 2023 notice issued and there was no attendance save for the respondent. The court allowed another mention date on 27 June 2023 to allow parties agree on due costs but the appellant failed to attend.
3. The court taking into account the appeal herein has been settled save for costs, the matter did not go to full trial, the respondent having taken keen interest to have the matter closed is hereby entitled to 50% costs of these proceedings.
4. Accordingly, matter is hereby marked as settled with 50% of costs to the respondent.

DELIVERED IN OPEN COURT AT MOMBASA THIS 13 DAY OF JULY, 2023.

M. MBARŪ

JUDGE

In the presence of:



Court Assistant: Japhet Muthaine

..... and

