



**Kono & 2 others v Resource Protection Ltd (Cause 1254 of 2014)
[2022] KEELRC 1250 (KLR) (22 July 2022) (Ruling)**

Neutral citation: [2022] KEELRC 1250 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 1254 OF 2014**

**J RIKA, J
JULY 22, 2022**

BETWEEN

HASSAN EDIN KONO 1ST CLAIMANT

ISACKO ABAKAMANO HARSAMA 2ND CLAIMANT

ABDULLAHI ISACK AMARU 3RD CLAIMANT

AND

RESOURCE PROTECTION LTD RESPONDENT

RULING

1. The Respondent applies, through its Notice of Motion dated 9th May 2022, for stay of execution of Judgment delivered on 12th July 2019; leave to allow the Respondent to pay the decretal sum of Kshs. 1,512,943 by monthly instalments of Kshs. 150,000 to each Claimant, to be paid from the date of this Ruling, until final settlement; the Claimants are restrained from executing for as long as the Respondent pays the said instalments; any other order; and costs in the cause.
2. The Application is opposed through the Replying Affidavit sworn by the 1st Claimant on 20th June 2022.
3. It was agreed by the Parties that the Application is considered on the strength of their Affidavits and Submissions. The matter was last mentioned on 28th June 2022, when Parties confirmed filing and service of Submissions.

The Court finds: -

4. The Application is declined for reasons stated below.
5. Judgment was delivered over 3 years ago, on 12th July 2019.



6. The Bill of Costs was taxed on 3rd September 2020.
7. The Claimants' contracts of employment were terminated in 2013, some 9 years ago.
8. They were paid nothing on termination.
9. The Claim was filed in 2014, 8 years ago.
10. If the Respondent wished to liquidate the decretal amount by instalments, the Application should have been made in 2019 when Judgment was delivered, or 2020 after costs were taxed.
11. The Claimants would be prejudiced by having to receive their decretal sums in dribs and drabs, many years after the Court awarded them these sums.

It is Ordered: -

- a. The Application dated 9th May 2022 is declined.
- b. Costs to the Claimants.

DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY AT CHAKA, UNDER THE MINISTRY OF HEALTH AND JUDICIARY COVID-19 GUIDELINES, THIS 22ND DAY OF JULY 2022.

JAMES RIKA

JUDGE

