



**Karanja v Green Belt Movement (Employment and Labour Relations Cause
1322 of 2017) [2022] KEELRC 14662 (KLR) (27 October 2022) (Ruling)**

Neutral citation: [2022] KEELRC 14662 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS CAUSE 1322 OF 2017**

**M MBARŪ, J
OCTOBER 27, 2022**

BETWEEN

AISHA KARANJA CLAIMANT

AND

GREEN BELT MOVEMENT RESPONDENT

RULING

1. The claimant filed application dated September 23, 2022 seeking for orders that there be a stay of execution of taxation proceedings pending hearing and determination of Civil Appeal E363 of 2022.
2. The application is supported by the affidavit of the claimant and on the grounds that there is an appeal against the judgement of the court on the award of costs as delivered on April 25, 2022. Parties have been issued with directions to file written submissions and pending the judgement of the Appeal the claimant is seeking stay of taxation proceedings which relates to the matters on appeal. if stay is not allowed the claimant shall suffer loss and damage.
3. The respondent field grounds of opposition that the application is without merits and raises no good cause of action and should be dismissed with costs.
4. Both parties filed written submissions which are put into account and the single issue for determination is whether the court should allow stay of execution pending hearing and determination of Civil Appeal No E363 of 2022.
5. The matter before the Court of Appeal, Civil Appeal No E363 of 2022 is not contested. The gist of the appeal is the issue of award of costs upon the dismissal of the suit herein.
6. It is common cause that stay of execution should abide the principles outlined under Order 42 Rule 2 of the *Civil Procedure Rules* and which requires that an applicant should satisfy the court what substantial loss may result if stay of execution is not



7. granted and also to deposit security for the due performance of the judgement in the event the matter on appeal is not successful.
8. In this regard, the claimant has not addressed these principles save, the right to appeal exists pursuant to Section 17 of the *Employment and Labour Relations Court Act*, 2011 and which right was applied instantly upon the judgement of the court on April 25, 2022 and this application followed soon thereafter without delay. To allow the claimant ventilate the appeal before the Court of Appeal in Civil Appeal No E363 of 2022 the order of stay of the taxation proceedings herein is found justified.
9. Accordingly, application dated September 23, 2022 is hereby allowed and the taxation proceedings herein stayed pending the hearing and determination of Civil Appeal No E363 of 2022.

Delivered in court at Nairobi this 27th day of October, 2022.

M. MBARÚ JUDGE

In the presence of:

Court Assistant: Okodoi

