



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT & LABOUR RELATIONS COURT OF KENYA**

**AT NAIROBI**

**CAUSE NO. 1308 OF 2015**

**ANNROSE WAWIRA MUNENE.....CLAIMANT**

**VERSUS**

**ELIMU SCHOOLS .....RESPONDENT**

**RULING**

1. The applicant filed application dated 5/7/2021 seeking stay of execution of the judgment and Decree delivered on 16<sup>th</sup> April, 2020 and the Certified costs and leave to be granted to the respondent/applicant to continue paying and settling the judgment and decretal amount by way of instalments. The applicant had on 30/6/2021 made a proposal to the respondent/claimant to liquidate the decretal sum in six monthly instalments and proceeded to issue current and postdated cheques to the claimant/respondent in that regard.

2. On 7<sup>th</sup> July, 2021, Hon. Rika, J gave directions on the hearing and determination of the application before the trial judge and in the meantime, directed ***“the claimant’s Advocates shall give a formal response to the Respondent’s Advocates, on the proposal for staggered payments.”***

3. As at the time the application was heard before me on 27<sup>th</sup> July, 2021, the claimant/respondent had not complied with the orders of Rika, J to respond to the proposals by the applicant to pay by instalments and had declined to receive and bank the cheques presented to them by the applicant.

4. I find the claimant/respondent not to be acting in good faith and was focused on the attachment and sale of school properties they had proclaimed.

5. The Court finds the applicant to have made in good faith prompt proposals to liquidate the decretal sum which proposals were disregarded by the respondent.

6. Considering the circumstances of the case, the Court stays the execution of the judgment delivered on 16<sup>th</sup> April, 2020 ad subsequent decree emanating thereof, on condition the entire decretal sum and/or any unpaid balance thereof is liquidated in three (3) monthly equal instalments from the date of this ruling and in default of any one instalment execution to issue.

**Dated and delivered at Nairobi (virtually) this 16<sup>th</sup> day of September, 2021.**

**MATHEWS N. NDUMA**

**JUDGE**

**Appearances:-**

M. Odawa for Respondent/Applicant

Mr. Njagi for Claimant/Respondent

Ekale – Court clerk.