



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU

CAUSE NO. 289 OF 2016

JOB MUKHEBI MUTORO.....CLAIMANT

v

KITALE VOCATIONAL TRAINING CENTRE.....RESPONDENT

RULING NO. 2

1. On 5 May 2021, Job Mukhebi Mutoro (the Claimant) caused the Deputy Registrar to issue a Notice to Show Cause why Execution should not Issue against Kitale Vocational Training Centre (the Respondent). The return date was 25 May 2021.

2. On 24 May 2021, the Respondent filed a Motion seeking orders staying execution of the judgment and to be allowed to liquidate the decretal sum through monthly instalments.

3. When the Notice to Show Cause and the Motion came up for directions on 25 May 2021, the Court requested the parties to attempt out of court settlement, but they could not agree.

4. The Court therefore directed the Claimant to file a response to the Motion and further that the parties file and exchange submissions.

5. However, on 3 June 2021, the parties filed a consent in the following terms:

(1) THAT by consent of both parties there be stay of execution in this matter against the Respondent on the following conditions.

(2) THAT by consent of both parties herein the judgment entered for the Claimant against the Respondent herein be and is hereby reviewed and reduced to Kshs 800,000/- (Eight hundred thousand only) all inclusive.

(3) THAT the said amount be liquidated in the following instalments:

(a) Kshs 250,000/- (Two hundred and fifty thousand only) on or before 30th June 2021.

(b) Kshs 100,000/- (One hundred thousand only) on or before 30th October 2021.

(c) Kshs 100,000/- (One hundred thousand only) on or before 31st January 2022.

(d) Kshs 100,000/- (One hundred thousand only) on or before 30th May 2022.

(e) Kshs 100,000/- (One hundred thousand only) on or before 30th September 2022.

(f) Kshs 100,000/- (One hundred thousand only) on or before 31st January 2023.

(g) Kshs 50,000/- (Fifty thousand only) on or before 30th May 2023.

(4) THAT upon full payment of the said Kshs 800,000/- in the agreed instalments, this matter be marked as fully settled and there will be no further claim in terms of interest by the Claimant.

(5) THAT in default of payment of any one instalment as agreed above, the Claimant be at liberty to execute for the entire remaining balance plus interest.

6. The Court hereby adopts the consent by the parties as an order of the Court.

DELIVERED THROUGH MICROSOFT TEAMS, DATED AND SIGNED IN KISUMU ON THIS 17TH DAY OF NOVEMBER 2021.

Radido Stephen, MCI Arb

Judge

Appearances

For Claimant in person

For Respondent Okile & Co. Advocates

Court Assistant Chrispo Aura