



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU**

**CAUSE NO. 359 OF 2016**

**EDITH KATHURE MUNYUA.....CLAIMANT**

**VERSUS**

**MOI TEACHING AND REFERRAL HOSPITAL.....1<sup>st</sup> RESPONDENT**

**DR WILSON ARUASA.....2<sup>nd</sup> RESPONDENT**

**ANNE CHEMORSIO.....3<sup>rd</sup> RESPONDENT**

**THOMAS NGETICH.....4<sup>th</sup> RESPONDENT**

**RULING**

1. In a judgment delivered on 18 July 2019, the Court found for the Claimant and awarded her of Kshs 1,503,680/- together with interest at court rates and costs.
2. The Respondents were dissatisfied, and they lodged a Notice of Appeal with the Court on 31 July 2019. The Notice indicated that the intended appeal was against the whole judgment.
3. The Claimant was also aggrieved, and she filed a Notice of Appeal on 1 August 2019, indicating she would appeal against part of the judgment.
4. The Claimant thereafter filed her bill of costs.
5. The Respondents raised a preliminary objection to the bill.
6. On 16 December 2019, the Claimant filed a Motion under a certificate of urgency seeking orders:
  - (1) ...
  - (2) THAT the Honourable Court be pleased to make an order for a competent accountant to do the computation and calculation of the court interest that both registry in charge and I will be comfortable.
7. On 29 January 2021, the Court of Appeal, pursuant to an application by the Respondents, issued an order staying execution of the judgment, on condition that the Respondents deposited the decretal sum into Court. The condition was complied with.
8. The 2<sup>nd</sup> Respondent filed a replying affidavit in opposition to the Claimant's Motion on 18 June 2021, and on 22 June 2021, the Court directed the parties to file and exchange submissions.
9. The Claimant filed her submissions on 22 July 2021, while the Respondents filed their submissions on 23 August 2021.
10. The Court has given due consideration to the Motion, affidavits in support and the submissions and come to the view that the motion lacks merit.
11. The computation and/or calculation of interest is a role reserved to the Deputy Registrar of Taxing Officer. In practice, parties have taken the liberty to compute the interest but subject to verification or approval by the Deputy Registrar or Taxing Officer.

12. It would therefore serve no purpose to outsource the function of computing or calculating the interest payable on a decretal award to a so-called independent accountant for the comfort of a litigant.

13. If the Claimant is not happy with the computation of interest by the Deputy Registrar, there are avenues for challenging the same after the computations, and the appointment of an independent accountant is not one of the avenues.

14. The Motion dated 13 December 2019 is dismissed with costs to the Respondent.

**DELIVERED THROUGH MICROSOFT TEAMS, DATED AND SIGNED IN KISUMU ON THIS 15TH DAY OF DECEMBER 2021.**

**RADIDO STEPHEN, MCIARB**

**JUDGE**

**APPEARANCES**

**CLAIMANT IN PERSON**

**FOR RESPONDENTS OWINO GEOFFREY OCHIENG, ADVOCATE**

**COURT ASSISTANT CHRISPO AURA**