



REPUBLIC OF KENYA  
IN THE INDUSTRIAL COURT  
AT MOMBASA  
CAUSE NUMBER 608 OF 2014

BETWEEN

IRENE NDINDA MBINDA.....CLAIMANT

VERSUS

MOMBASA FILTERS SUPPLIES..... RESPONDENT

*Rika J*

*Court Assistant: Benjamin Kombe*

*IRB Mbuya & Company Advocates, for the for the Claimant*

*J.A. Abuodha & Company Advocates, for the Respondent*

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**RULING**

1. Judgment was delivered in favour of the Claimant, for a sum of Kshs. 793,211 plus costs and interest, on 26<sup>th</sup> April 2018.
2. The Respondent filed an Application for stay of execution pending Appeal, on 1<sup>st</sup> July 2019.
3. This was after the Claimant taxed her bill of costs, and instructed Makini Auctioneers to attach and sell Respondent's motor vehicle, in recovery of the decretal sum.
4. Parties consented to have the Application considered and determined on the strength of Written Submissions. They confirmed to have filed and exchanged these Submissions, at the last appearance in Court on 12<sup>th</sup> March 2020.

**The Court Finds:-**

5. The Respondent has not shown there is an arguable Appeal, with any chance of success. There is no Draft Memorandum of Appeal attached to the Application. The Respondent merely states, at paragraph 4 of the Supporting Affidavit, that it has been advised by its Advocate that the Intended Appeal has high chances of success.
6. The Application has been presented more than 1 year after delivery of Judgment. Delay has not been justified.
7. There is no merit whatsoever to this Application.

IT IS ORDERED:-

***a. The Application dated 28<sup>th</sup> June 2019, filed on 1<sup>st</sup> July 2019 by the Respondent is rejected.***

***b. Costs to the Claimant.***

**Dated and delivered at Mombasa this 26<sup>th</sup> day of March 2020.**

**James Rika**

**Judge**