



**REPUBLIC OF KENYA**

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

**CAUSE NO 364 OF 2017**

**JAMES KETTA.....CLAIMANT/DECREE HOLDER**

**VS**

**QUALITY INSPECTORS LIMITE....D..RESPONDENT/JUDGMENT DEBTOR**

**AND**

**ABSA BANK KENYA LIMITED**

**(FORMERLY BARCLAYS BANK OF KENYA).....GARNISHEE**

**RULING**

1. On 24<sup>th</sup> April 2020, I issued an *ex parte* order attaching the sum of **Kshs. 1,353,683** held by the Garnishee in the Judgment Debtor's Account Number [...] domiciled at the Garnishee's Bunyala Road Branch, Nairobi, towards satisfaction of the Decree of this Court issued on 20<sup>th</sup> September 2018.
2. I further directed the Claimant/Decree Holder to serve the application **electronically** on the Respondent/Judgment Debtor and the Garnishee by close of business on **Monday, 27<sup>th</sup> April 2020**.
3. Upon service, the Respondent/Judgment Debtor and the Garnishee were to file and serve their responses **electronically** by close of business on **Thursday, 30<sup>th</sup> April 2020**.
4. As evidenced by an affidavit of service sworn by the Claimant/Judgment Debtor's Counsel Permenus Mbugua Mathare on 29<sup>th</sup> April 2020, both the Respondent/Judgment Debtor were duly served as directed by the Court.
5. By close of business on 30<sup>th</sup> April 2020, the Respondent/Judgment Debtor had not filed any response to the Claimant/Decree Holder's application.
6. On its part, the Garnishee filed a replying affidavit sworn by its Legal Counsel, Milkah Maina confirming that there are enough funds in the Respondent/Judgment Debtor's account aforesaid to satisfy the Decree of this Court issued on 20<sup>th</sup> September 2018.
7. In light of this and in the absence of any response from the Respondent/Judgment Debtor, I hereby issue a decree absolute directing the Garnishee to pay the sum of **Kshs. 1,353,683** from the Respondent/ Judgment Debtor's Account Number [...] domiciled at the Garnishee's Bunyala Road Branch, Nairobi, to the Claimant, through his Advocates on record, in satisfaction of the Decree of this Court issued on 20<sup>th</sup> September 2018.
8. The Respondent/Judgment Debtor will meet the costs of these proceedings.

**DATED SIGNED AND DELIVERED AT MACHAKOS THIS 4<sup>TH</sup> DAY OF MAY 2020**

**LINNET NDOLO**

**JUDGE**

**FURTHER ORDER**

In view of the declaration of measures restricting court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15<sup>th</sup> March 2020, this ruling has been delivered electronically.

**LINNET NDOLO**

**JUDGE**