

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NAIROBI

CAUSE NO. 338 OF 2014

TERESIAH WANJIRU.....CLAIMANT

VERSUS

METAL CROWNS LIMITEDRESPONDENT

AND

JOSEPH KAHORO MUNDIA

T/A UPSTATE KENYA AUCTIONEERS.....APPLICANT

RULING

1. Before me is the Notice of Motion application dated 3rd September 2020. Through it, the Applicant/Auctioneer seeks that this Honourable Court be pleased to enter judgment against the Respondent for the sum of Kshs. 31,167.95 taxed on 19th December 2019 and certified by the Deputy Registrar as the amount due to the Applicant. The Auctioneer also sought that he be at liberty to execute against the Respondent and the costs of the motion be borne by the Respondent. The motion was supported by the affidavit in support sworn by Joseph Kahoro Mundia. He deponed that the sum in question was the taxed bill of auctioneers costs and the certificate of taxation issued by the Deputy Registrar of this Court certified the costs as taxed.

2. There was no opposition filed against the motion and it was argued before me virtually on 16th December 2020. The Respondent had been served on 7th December 2020 as confirmed by the Counsel appearing for the Respondent one Miss Mokaya. The Respondent is bound to satisfy the costs incurred by the Auctioneer as taxed by the Taxing Master of this Court. The Taxing Master certified the sum due as being Kshs 31,167.95 to which I will add Kshs. 5,000/- as costs for the motion herein. The Respondent is therefore to pay Kshs. 36,167.95 being the full and final costs due to the Auctioneer within 14 days of today.

It is so ordered.

Dated and delivered at Nairobi this 17th day of December 2020

Nzioki wa Makau

JUDGE