



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI

MISC CASE NO. 107 OF 2018

ELAM LUMWAJI t/a DOMICILE AUCTIONEERS.....CLAIMANT

v

SECUREX AGENCIES (K) LTD.....RESPONDENT

**IN THE MATTER OF THE EXECUTION OF THE
COURTS WARRANTS IN ELRC CAUSE NO. 1228 OF 2014**

BETWEEN

JOSIAH ARIKO OMUKOTO.....CLAIMANT

v

SECUREX AGENCIES (K) LTD.....RESPONDENT

RULING

1. The applicant auctioneer filed a bill of costs against Securex Agencies (K) Ltd (Respondent) out of warrants issued in Cause No. 1228 of 2014.
2. The bill of costs was taxed on 30 January 2019 in the sum of Kshs 128,330/-.
3. On 23 July 2019, the applicant moved Court seeking leave to execute for the costs. The application was served upon and acknowledged by Taibjee and Bhalla Advocates for the Respondent.
4. However, the Respondent was not represented when the application was heard on 6 November 2019.
5. The Court allowed the applicant to argue the application and it was urged that the procedure followed was predicated upon Rule 7 of the Auctioneers Rules.
6. The Court has looked at the Rule as well as section 22 of the Auctioneers Act. It places an obligation on the debtor to pay the auctioneers charges. The auctioneer is also permitted to sue for his charges.
7. Considering that the Respondent did not bother to defend the application, and the aforecited provisions of law, the Court will allow the application filed in Court on 23 July 2019 with costs.

Delivered, dated and signed in Nairobi on this 8th day of November 2019.

Radido Stephen

Judge

Appearances

For applicant Mr. Mukeli instructed by Namada & Co. Advocates

Respondent did not participate

Court Assistant Lindsey