

IN THE REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT

AT NAIROBI

CAUSE NO. 1153 OF 2011

(Before Hon. Lady Justice Hellen S. Wasilwa on 7th February 2018)

JILLOR ALEXI KASSECLAIMANT

VERSUS

EAST AFRICAN COLLEGE OF OPHTHALMOLOGISTS....RESPONDENT

RULING

1. The application before Court is the one dated 5th June 2017. The application was filed by the Claimant Applicant herein under Certificate of Urgency seeking temporary stay of execution and an order that the decretal sum be liquidated in installments 5,000/= monthly until payment in full.

2. The Claimant's application is supported by the supporting affidavit of one Jillo Alexi Kasse the Claimant herein. The Claimant has deponed that the Honourable Court certified costs payable to the Respondent at Kshs.155,834/=. That the amount is colossal and since he is unemployed, he urges Court to allow liquidation in installments of 5,000/= per month until payment is full.

3. He avers that he will suffer irreparable harm if the application is not granted.

4. The Respondents opposed the Application. They filed their grounds of opposition on 30th October 2017. They aver that they have made several attempts to prompt the Claimant to pay without any success. They propose that the Applicant be ordered to pay 30,000/ per month at the very least.

5. I have examined the averments of the parties plus their written submissions. It is not in doubt that the Claimant Applicant is jobless and without any benefits. This claim is actually borne out of his termination by the Respondent. The Claimant however chose to withdraw the claim and was ordered to pay costs hence the amount in issue now.

6. In view of the jobless status of the Applicant and given the fact that the Respondents have not demonstrated any evidence to the contrary that he is able to pay the amount claimed all at once or in large installments, I exercise my discretion and allow the application and order that the Applicant will pay the decretal sum in equal installments of 10,000/= per month with effect from 1st March 2018 until payment in full.

Read in open Court this 7th day of February, 2018.

HON. LADY JUSTICE HELLEN WASILWA

JUDGE

In the presence of:

Sifuna holding brief for Nyambura for Respondent – Present

Applicants – Absent