

REPUBLIC OF KENYA

IN THE EMPLOYMENT & LABOUR RELATIONS

COURT OF KENYA AT NYERI

CAUSE NO. 426 OF 2017

ALLAN WANJOHI NGENGI.....CLAIMANT

VERSUS

DEDAN KIMATHI UNIVERSITY

OF SCIENCE & TECHNOLOGY.....RESPONDENT

RULING

1. The determination herein is on costs and interest. The Claimant had sued the Respondent for a sum of Kshs. 779,830/- being payment for courses he had taught, interest on the sums above from 21st February 2017 till payment in full plus costs of the suit. The Respondent did not file a defence after entering appearance on 7th December 2017. The suit was compromised on 1st March 2018 when a consent in the following terms was recorded.

1 By consent Judgment be and is hereby entered for the Claimant against the Respondent for a sum of Kshs. 766,242/- payable on or before 31st March 2018. In default execution to issue.

2. Parties to file submissions on the issue of costs and interest within 10 days of today.

2. The compromise sum was less than the Kshs. 779,830/- the Claimant had claimed vide his suit. He therefore accepted a lower sum. He was compelled to file suit for the recovery of the sums due to him. As such a modest award of costs would suffice. The Claimant had to forego his cash for some while and whereas he sought interest, the same would be at court rates which would be in view of his compromise be waived. In the premises I will award costs which is Kshs. 70,000/- (read Kenya shillings seventy thousand only).

It is so ordered.

Dated and delivered at Nyeri this 3rd day of May 2018

Nzioki wa Makau

JUDGE