



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU

CAUSE NO. 182 OF 2018

(Before Hon. Justice Mathews N. Nduma)

ANJELINE GUMO OJANGO.....1ST CLAIMANT
ANTONY ODHIAMBO ONG'ER.....2ND CLAIMANT
BARRACK OMONDI ONYANGO.....3RD CLAIMANT
DAVID OCHIENG NYAWIRE.....4TH CLAIMANT
DAN OTIENO WERE.....5TH CLAIMANT
DANIEL GOERGE OKELLO.....6TH CLAIMANT
DENNIS OUMA ODONDO.....7TH CLAIMANT
FREDRICK OLUOCH OCHIENG.....8TH CLAIMANT
FREDRICK ONYANGO ODUOL.....9TH CLAIMANT
FREDRICK OTIENO ONYANGO.....10TH CLAIMANT
GABRIEL OCHIENG OJUANG.....11TH CLAIMANT
GORDON OTIENO AHENDA.....12TH CLAIMANT
JAMES LWAMBA LUKOYE.....13TH CLAIMANT
JOANES OTIENO EUGU.....14TH CLAIMANT
JOHN KUNDU GERENGE.....15TH CLAIMANT
JOSEPH OLOO OBUONG.....16TH CLAIMANT
JOSEPH OTIENO OCHIENG.....17TH CLAIMANT
JOSEPH OWINO OPILO.....18TH CLAIMANT
KENNEDY OMONDI ODHIAMBO.....19TH CLAIMANT
MOSES OCHOLA OPONDO.....20TH CLAIMANT
MOSES OMOLLO OWINO.....21ST CLAIMANT

NICHOLAS ODHIAMBO AMOLLO.....22ND CLAIMANT
PAUL OWINO HAYOYO.....23RD CLAIMANT
PETER LIMBE ADIPO.....24TH CLAIMANT
PETER OMONDI OWINO.....25TH CLAIMANT
PETER WARINGA OTIENDE.....26TH CLAIMANT
PRISKA ATIENO OMONDI.....27TH CLAIMANT
SILAH OMONDI OGELLO.....28TH CLAIMANT
SIMON ODUOR OKOTH.....29TH CLAIMANT
WILSON OTIENO OCHIENG.....30TH CLAIMANT

VERSUS

DOMINION FARMS LIMITED.....RESPONDENT

RULING

1. The Notice of Motion application dated 7th May, 2018 supported by Affidavits of Gordon Otieno Ahenda sworn on even date and Supplementary Affidavit of Gordon Otieno Ahenda sworn on 8th June, 2018 seeks prayers (iii) to (iv).
2. The Applicants seek mandatory injunction compelling the Respondent to pay the 1st, 2nd, 5th to 27th and 29th Claimants cumulative terminal benefits in the sum of Kshs.14,976,002.00.
3. In prayer (iv) the Applicants pray that the court issues mandatory injunction compelling the Respondent to pay the 3rd, 4th, 6th, 7th, 10th, 11th, 13th, 17th, 20th, 23rd, 28th, 29th and 30th Claimants outstanding salary arrears for the period January 2018 to May 2018 (both inclusive) in the sum of Kshs.1,625,267.50 as set out in the schedule to the prayer.
4. Prayer (v) the applicants seek mareva injunction that except for purposes of enforcing any order that the court may give in this application, the court preserves the Respondent's assets from dissipation or removal from the jurisdiction of the court, for reasons explained in the application.
5. The application is unopposed, despite service as shown in the Affidavit of Service by Stephen K. Muoki filed on 8th May, 2018.
6. The application is granted as prayed in terms of prayers (iii) to (vi) of the Notice of Motion.
7. The Legal requirements for the orders sought have been satisfied in terms of court of appeal decision in the case of **Kenya Breweries Limited & Another Vs Washington O. Okeyo, Nairobi CA No. 332 of 2000 (2002) eKLR and Giella Vs Cassman Brown Co. Limited and Mrao Case.**

Judgment Dated, Signed and delivered this 31st day of October, 2018

Mathews N. Nduma

Judge

Appearances

M/s Alinaitwe for the Applicant

Chrispo – Court Clerk