



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU**

**CAUSE NO. 363 OF 2015**

*(Before Hon. Justice Mathews N. Nduma)*

**ALICE MMBOGA OGOLA .....CLAIMANT**

**VERSUS**

**NYAYO TEA ZONE DEVELOPMENT**

**CORPORATION LIMITED (KIMONDI) .....RESPONDENT**

**R U L I N G**

1. The court has considered the application dated 24<sup>th</sup> November, 2017 seeking stay of execution pending the hearing and determination of an appeal filed by the Respondent/Applicant at the Court of Appeal on 19<sup>th</sup> September, 2017 being Kisumu CACA NO.99 of 2017. The court has also considered the replying affidavit and submissions by both parties.

2. The Judgment made by the court in favour of the Claimant is for Kshs.243,859.50.

3. The court is not satisfied that substantial loss, or irreparable loss would be suffered by the Respondent if the order sought by the Applicant is not granted.

4. Accordingly, the pending Appeal would not be rendered nugatory by the failure to grant this application.

5. It is now one and a half years since the Claimant obtained the Judgment of court. It is in the interest of justice and fair play, that the Claimant enjoy the fruits of his Judgment. The Application for stay of execution is dismissed with costs.

**Dated, Signed and Delivered in Kisumu this 6th day of December, 2018**

**Mathews N. Nduma**

**Judge**

**Appearances**

Mr. Gumbo for Respondent/Applicant

M/s Chepkwony for Claimant/Respondent

Chrispo – Court Clerk