

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU

CAUSE NO. 262 OF 2013

(Before Hon. Justice Mathews N. Nduma)

KENYA HOTELS & ALLIED WORKERS' UNION.....CLAIMANT

VERSUS

KELLY'S BAR & RESTAURANT.....RESPONDENT

AND

DAVID OMOLO OGOLA.....OBJECTOR

R U L I N G

1. An objection to attachment of property to satisfy the Judgment debt in this matter was filed on 3rd August, 2017 on the grounds that the objector is not a party to the suit and the attached property belongs to the objector and not to the Respondent in the suit.
2. Execution was stayed pending objection proceedings.
3. The objection is opposed on grounds that the attached property belongs to the Respondent, Kelly's Bar & Restaurant and attached property was attached at the said Kelly's Bar & Respondent.
4. That record of proceedings show that the objector is the owner of Kelly's Bar & Restaurant and Kenneth Kaunda Ogolla, participated in the hearing of the case on behalf of the objector whom he referred to as his employer.
5. That objection lacks merit and same be dismissed. That the application for stay of execution was rejected by the Court of Appeal in Civil Application No. 75 of 2016 at Kisumu and the parties engaged in settlement proceedings which were reported to have stalled. That issue is out of jurisdiction of this court.
6. Having considered the opposing arguments, the court finds that the objection lacks merit and is dismissed with costs.

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

Mathews N. Nduma

Judge

Appearances

Mr. Mr. Lugano for Objector

Mr. John Simiyu for Claimant

Chrispo – Court Clerk