



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU

CAUSE NO. 169 OF 2013

KENYA UNION OF DOMESTIC, HOTELS,

EDUCATIONAL INSTITUTIONS AND ALLIED WORKERS

CLAIMANT

v

SILVER HOTEL-NAIVASHA

RESPONDENT

RULING NO. 2

1. In a judgment delivered on 3 May 2016, the Court awarded the 2 Grievants herein Kshs 556,971/50 and Kshs 257,753/- respectively.
2. An attempt by the Respondent to secure a stay of execution and setting aside of the judgment was declined in a ruling delivered on 20 July 2017 for non-compliance with the condition set by the Court.
3. On 27 September 2017, an auctioneer Geoffrey I Kariuki t/a Direct O. Auctioneers moved Court under certificate of urgency seeking
 1. THAT the honourable court be pleased to order the officer Commanding Naivasha Police Station to authorize his police officers to escort GEOFFREY I. KARIUKI T/A DIRECT O. AUCTIONEERS to the Premises of the Respondent for purposes of maintaining peace and order while the breaking to open the entry to Judgment premises to carry away the attached assets in execution of decree in the suit herein.
 2. THAT the costs of this application be provided for.
4. When the motion was called out, none of the parties/auctioneer were in Court and the Court directed that the application be served for *inter partes* hearing on 16 October 2017.
5. On 16 October 2017, Mr. Bosire for the auctioneer urged the application.
6. The Court has looked at the record and considered the submissions.
7. There is nothing on record to suggest that the auctioneer served the application as was directed and the Court therefore, again directs that the motion be served for *inter partes* hearing on or before 19 October 2017, and it be heard on 24 October 2017 (an appropriate affidavit(s) of service be filed).
8. In default of the service by set deadline, the motion will stand dismissed with costs to the Respondent.

Delivered, dated and signed in Nakuru on this 18th day of October 2017.

Radido Stephen

Judge

Appearances

For Union not served

For Respondent not served

For Auctioneer Mr. Bosire instructed by Ochweri Ngamate & Co. Advocates

Court Assistants Nixon/Martin