



**REPUBLIC OF KENYA**  
**EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT NAIROBI**

**CAUSE NO. 24 OF 2014**

**PETER CHEGE KANJA.....1<sup>ST</sup> CLAIMANT/RESPONDENT**  
**EDWARD MWAURA KARANJA.....2<sup>ND</sup> CLAIMANT/RESPONDENT**  
**SIMON NGUGI MBURU.....3<sup>RD</sup> CLAIMANT/RESPONDENT**  
**SAMSON KAROKI NDUNG’U.....4<sup>TH</sup> CLAIMANT/RESPONDENT**  
**PAUL NZIOKI NDALI.....5<sup>TH</sup> CLAIMANT/RESPONDENT**  
**PETER KARANJA KIMOTHO.....6<sup>TH</sup> CLAIMANT/RESPONDENT**  
**JOSPEH KURIA MBURU.....7<sup>TH</sup> CLAIMANT/RESPONDENT**

*VERSUS*

**CHINA WU-YI COMPANY LIMITED.....RESPONDENT/APPLICANT**

Claimants in person

Wambugu Muriuki for respondent

**RULING**

1. Serving before court is an application dated 28<sup>th</sup> August 2017, seeking stay of execution of the judgment of the court delivered on 28<sup>th</sup> July 2017 pending hearing and determination of intended appeal on the grounds that the intended appeal is arguable and would be rendered nugatory if the order for stay is not granted.
2. That the respondents have threatened to execute for the judgment of Kshs.7,475,996.70/=.
3. The application is supported by an affidavit sworn by Lily Liu on 28<sup>th</sup> August 2017.
4. The application is opposed by a replying affidavit sworn by Simon Ngugi Mburi, the 3<sup>rd</sup> claimant on 4<sup>th</sup> September 2017 in which is stated that no memorandum of appeal has been filed revealing the intended grounds of appeal.

5. The claimants submitted that the respondent admitted during the trial having underpaid the claimants contrary to the statutory minimum wage regulation applicable to the claimants at the time and there is therefore no basis for the intended appeal.
6. That the bare allegation that the appeal will be rendered nugatory lacks substance.
7. The court has considered the application and is of the considered view that the responded having admitted during the trial that it underpaid the claimants contrary to the law has no arguable appeal on the award of arrear salary payments by the court.
8. The application is only intended to delay enjoyment by the claimants of their fruits of the judgment.
9. The application is dismissed with costs.

**Dated, Signed and Delivered on this 10<sup>th</sup> Day of November 2017**

**MATHEWS NDERI NDUMA**

**JUDGE**