

REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT AT MOMBASA
CAUSE NUMBER 427 OF 2013

BETWEEN

JOSHUA NZUKI CLAIMANT

VERSUS

STEEL MAKERS LIMITED ... RESPONDENT

RULING

1. The Court delivered an Award in favour of the Claimant. He was granted Kshs. 299,232 in compensation for unfair termination. The Respondent lodged a Notice of Appeal on 28th July 2015. He filed an Application for stay of execution of the Award, dated 25th September 2015. Parties agreed to have the Application considered on the strength of their Affidavits, and Submissions on record.

2. The Respondent has moved with alacrity and lodged a Notice of Appeal; Proceedings have been typed; and Certificate of Delay prepared. There is reason to hope the intended Appeal shall not take too long to be heard. All paperwork is ready and the Claimant shall not be prejudiced by having to wait a little longer, to allow the Respondent exercise its right of appeal. Stay of Execution is granted pending appeal on the following conditions:-

- a. *The sum awarded of Kshs. 299,232 shall be deposited in Court by the Respondent, within 7 days of delivery of this Ruling.*
- b. *In default the stay shall automatically lapse, and the Claimant shall be at liberty to execute.*
- c. *No order on the costs.*

Dated and delivered at Mombasa this 11th day of March, 2016

James Rika

Judge