



**REPUBLIC OF KENYA**

**EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NAIROBI**

**CAUSE NO. 1041 OF 2011**

**KENYA UNION OF JOURNALISTS AND**

**ALLIED WORKERS .....CLAIMANT**

**VERSUS**

**SUNDAY EXPRESS NEWSPAPERS LTD.....RESPONDENT**

**RULING**

1. The Applicant brought the application dated 14<sup>th</sup> October 2015 seeking for the following reliefs;
  - i. That there be a stay on execution of the decree dated 18<sup>th</sup> February 2014 pending the hearing and determination of this application.
  - ii. That the court be pleased to issue a declaratory order that the respondent has satisfied the decree.
2. The application is based on the assertion by the respondent/applicant that it has paid fully the decretal sum of Kshs 1,380,000 which sum the claimant duly demanded via a letter dated 2<sup>nd</sup> February 2014 pursuant to a decree dated 18<sup>th</sup> February 2014 for the sum of Kshs 1,380,000 and the Respondent satisfied. The Respondent has also paid the taxed costs.
3. That the claim by the Claimant for interest after the settlement of the decretal sum and costs is an afterthought and the Claimant is estopped from raising a further claim in the cause herein as this is not supported by the Decree.
4. The application is opposed by the Claimant in his submissions filed on 11<sup>th</sup> May 2015. The Claimant admits that it was paid a decretal sum of Kshs 1,380,000 and taxed costs of Kshs 55,600. The Claimant did not calculate the interest payable on the decretal sum prior to making a demand for payment.
5. Clearly, the Claimant is relying on its own omission to calculate interest on the award of Kshs 1,380,000 now at court rates from the date of judgement delivered on 6<sup>th</sup> December 2013 to the date the amount was paid.
6. The claimant/Applicant is estopped from carrying out execution proceedings against the Respondent/Applicant having raised a decree for a sum of Kshs 1,380,000 and taxed costs of Kshs 55,600 which have been fully paid by the Respondent/Applicant.
7. To date no interest has been calculated on the decretal amount and it is the courts view that the application has merit and is allowed, the Respondent having fully settled the decretal amount and costs of the suit.

**Dated and delivered at Nairobi this 15<sup>th</sup> day of April 2016**

**MATHEWS N. NDUMA**

**PRINCIPAL JUDGE**

