



REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NAIROBI

CAUSE NO. 757N OF 2009

BOAZ OGWENO 1ST CLAIMANT

MUTHEU MUSEE 2ND CLAIMANT

HARRISON MUSYIMI 3RD CLAIMANT

JACOB MUTISYA 4TH CLAIMANT

GABRIEL MUNYAO 5TH CLAIMANT

AYUB MALOVA 6TH CLAIMANT

JOHN MALEVE 7TH CLAIMANT

JONATHAN MUCHUSU MAKETI 8TH CLAIMANT

DAVID MUTUKU 9TH CLAIMANT

JOSEPH KITIMA 10TH CLAIMANT

JOSHUA MWAU 11TH CLAIMANT

JOHN MBEVI 12TH CLAIMANT

JACOB KITHOKOI 13TH CLAIMANT

JUSTUS OTIENO OMENDA 14TH CLAIMANT

PETER ONYANGO OGOLLA 15TH CLAIMANT

BONIFACE KIIO 16TH CLAIMANT

FREDRICK KITILI 17TH CLAIMANT

SAMSON NTHIANI 18TH CLAIMANT

EVANS ONYANGO OMENDI 19TH CLAIMANT
CYPRIAN ANGATIA SHANGO 20TH CLAIMANT
COLLINS KYALLO MULI 21ST CLAIMANT
BRIAN KATHUKU 22ND CLAIMANT
JOSHUA KATUMO 23RD CLAIMANT
FRANCIS MWEMA 24TH CLAIMANT

VERSUS

THE MANAGING DIRECTOR, BAKERS

CHOICE AND CONFECTIONARY

LIMITED 1ST RESPONDENT

BAKERS CHOICE AND

CONFECTIONARY LIMITED 2ND RESPONDENT

RULING

1. The 2nd respondent is the judgment debtor in this suit pursuant to the judgment of court dated 28th January 2016 and seeks to be allowed to pay the balance of the decretal amount in eleven (11) instalments of Kshs.100,000 until payment in full and the court meanwhile stop the execution of the decree of the court dated 13th June 2016.

2. The court has considered the submissions by both parties and has perused audited financial statement of the 2nd respondent for the year ended 31st December 2015 and has come to the conclusion that though the 2nd respondent generated revenue of Kshs.146,568,500 in the year 2015, the company made net loss of Kshs.948,106 after all expenses were factored.

3. It is therefore in the interest of justice and fair play that the claimants enjoy the fruits of their judgment while at the same time, the 2nd respondent continues to do business and keeps in employment many other employees.

4. In this light the court has to help maintain this delicate balance to ensure that the intended attachment is not proceeded on while at the same time the 2nd respondent discharges its obligation to the decree creditors.

5. Accordingly, the court makes the following orders;

The 2nd respondent to pay the balance of the decretal amount in equal instalments of Kshs.200,000 from the date of this ruling till payment in full.

In default of any one instalment, execution to issue.

Dated and delivered at Nairobi this 7th day of October, 2016

MATHEWS NDERI NDUMA

PRINCIPAL JUDGE