



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU**

**CAUSE NO. 229 OF 2014**

**JACOB JOSEPH ONYANGO.....CLAIMANT**

**V**

**JOHN NDUNGU MUREITHI..... RESPONDENT**

**RULING NO. 4**

[1] In a ruling delivered on 23 September 2016, the Court ordered that Kshs 1,403,261/- which had been deposited into Court as a condition for grant of stay of execution by the Respondent be released to the Claimant.

[2] The Claimant's advocate caused the file to be mentioned on 30 September 2016 in order to seek a clarification.

[3] According to the Claimant's advocate, the Courts cash office had informed her that a cheque could only be issued in the name of the Claimant and not in his advocates name, as that could lead to audit queries. She sought for an order to have the order clarified so that the funds could be released to the firm of advocates.

[4] The Respondent's advocate opposed the issuance of any order on the basis of clarification and contended that a formal application for review should be filed.

[5] Counsel also stated that she had already filed a Notice of Appeal as well as an application for stay pending appeal before the Court of Appeal.

[6] The substance of the Court's ruling was that the half decretal sum be released to the Claimant within 10 days unless the Court of Appeal decided otherwise.

[7] Whether the sum is released to the Claimant's advocate or not will not affect the substance of the ruling. The release has only been impeded by prudent audit/account requirements.

[8] The Court will therefore order that the amount deposited into Court be released to the Claimant's advocate.

**Delivered, dated and signed in Nakuru on this 3<sup>rd</sup> day of October 2016.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimant Mrs. Ndeda instructed by Ndeda & Associates

For Respondent Ms. Mukira instructed by Elizabeth Wangari & Co. Advocates

Court Assistant Daisy