



**REPUBLIC OF KENYA**

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

**NAKURU CAUSE NO. 452 OF 2016**

**PAUL OCHESO OTENGO.....1<sup>ST</sup> CLAIMANT**  
**HEZRON MMBANGO KHAKALI .....2<sup>ND</sup> CLAIMANT**  
**MORRIS LUGANDO KANILI .....3<sup>RD</sup> CLAIMANT**  
**DAVID MAHERO MUKAISI..... 4<sup>TH</sup> CLAIMANT**  
**DAVID ATEKA GARDI .....5<sup>TH</sup> CLAIMANT**  
**ROBERT KIPYEGON BETT .....6<sup>TH</sup> CLAIMANT**  
**KEVIN ODHIAMBO OCHIENG .....7<sup>TH</sup> CLAIMANT**  
**NICHOLAS KIPKOECH BETT .....8<sup>TH</sup> CLAIMANT**  
**STANLEY WANYOIKE KAMAU .....9<sup>TH</sup> CLAIMANT**  
**FREDRICK O. WALUANGA.....10<sup>TH</sup> CLAIMANT**

**v**

**GIRISH KUMAR PATEL t/a**  
**TEJ DIP HARDWARE STORES.....RESPONDENT**

**RULING**

1. The 10 Claimants moved Court through a motion under certificate of urgency on 9 November 2016 seeking

1....

2. ***That*** pending the hearing and determination of this application ***inter-partes***, this Honourable court be pleased to issue a temporary order for injunction restraining the Respondent, his employees, servants and or agents from deposing of or in any other manner dealing or interfering with motor vehicle registration numbers; **KCC 272Y, KCC 272G, KBZ 272X and KBT 272L**

*and their log books.*

3. ***That*** pending the hearing and final determination of this suit, this honourable court be pleased to issue an order for injunction restraining the Respondent, his employees, servants and or agents from disposing of or in any other manner dealing or interfering with the above motor vehicles and their log books.

4. ....

2. The Court directed that the motion be served and scheduled a return date of 15 November 2016 for directions.

3. When the motion was called out on 15 November 2016, Mr. Opar appeared for the Claimants. The Respondent was not present or represented.

4. On record was an affidavit of service sworn by one Kennedy Wasonga attesting to service and acknowledgment by the Respondent and therefore the Court allowed the motion to proceed.

5. The Claimants allege that the Respondent verbally terminated their employment on 30 September 2016 and that the Respondent indicated he was leaving the jurisdiction of the Court. They fear the Respondent may not pay their terminal dues.

6. Because the facts as presented by the Claimants have not been challenged or controverted at this stage, the Respondent having been put on notice of the application, the Court will grant proposed orders 2 and 3 in the motion.

7. Costs in the cause.

**Delivered, dated and signed in Nakuru on this 21<sup>st</sup> day of November 2016.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimants

Mr. Opar instructed by M.Korongongo & Co. Advocates

For Respondents did not participate

Court Assistant Nixon