



REPUBLIC OF KENYA



**KENYA LAW**  
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**Nyagaka v Agriculture & Livestock Limited (Cause 1375 of 2011)  
[2015] KEELRC 1552 (KLR) (25 February 2015) (Ruling)**

*Robert Bosire Nyagaka v Agriculture & Livestock Limited [2015] eKLR*

Neutral citation: [2015] KEELRC 1552 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 1375 OF 2011  
MN NDUMA, J  
FEBRUARY 25, 2015**

**BETWEEN**

**ROBERT BOSIRE NYAGAKA ..... CLAIMANT**

**AND**

**AGRICULTURE & LIVESTOCK LIMITED ..... RESPONDENT**

**RULING**

1. The Court entertained an application for stay of execution of the judgment of the Court delivered on 19<sup>th</sup> September 2013 and delivered a ruling on 13<sup>th</sup> November 2014. The Applicant has since noted an Appeal against the ruling
2. The Applicant moved another Application on 18<sup>th</sup> November 2014 seeking a stay of execution of the decree issued herein pending the hearing and final determination of the appeal.
3. The Applicant got interim orders from Hon. Nzioki Makau J. pending the hearing and determination of this Application.
4. The judgment of the Court is sounding in money comprising of terminal benefits due and owing to the Claimant who was dismissed from employment on 1<sup>st</sup> July 2011. There is no evidence that the Claimant is a man of straw and would be unable to repay the amount if the appeal is successful.
5. The Court is not satisfied that the intended Appeal will be rendered nugatory if the stay of execution is not granted.
6. Furthermore, the draft memorandum of Appeal was not attached to this application and from the grounds set out on the face of the Application and the contents of the Supporting Affidavit, the Court is not satisfied that the intended Appeal against the ruling of the Court is arguable.



7. For these reasons, the Application for stay of the ruling of the Court delivered on 13<sup>th</sup> November 2014 pending the hearing of the intended Appeal is refused with costs.

**DATED AND DELIVERED AT NAIROBI THIS 25<sup>TH</sup> DAY OF FEBRUARY, 2015.**

**MATHEWS N. NDUMA**

**PRINCIPAL JUDGE**

