

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS
COURT OF KENYA AT NAIROBI

CAUSE NO. 893 OF 2013

JONAH KIMANI NGERECLAIMANT

VERSUS

GEAR CONTROL & EQUIPMENT LTD.....RESPONDENT

Mr. Njoroge for Respondent/Applicant

Claimant/Respondent in person

RULING

1. The Applicant seeks stay of execution of the Judgment and Decree of the court pending the hearing and determination on an Appeal against the Judgment of the court delivered on 8th October, 2014.
2. The Notice of Appeal dated 21st October, 2014 was filed on 16th December, 2014 more than sixty (60) days from the date the Judgment was delivered.
3. The Notice was therefore filed out of time and application for leave to file an Appeal out of time has not been lodged at the Court of Appeal as at the time of hearing this Application.
4. There is no valid appeal noted as it were, and the court is not in a position to determine whether the Intended Appeal is arguable since no grounds for the Intended Appeal are set out on the face of the Application or in a draft Memorandum of Appeal.
5. The other considerations have also not been met by the Applicant since the Appeal was noted with considerable delay.
6. The award of the court is sounding in money and it has not been demonstrated that execution of the Judgment would render the Intended Appeal nugatory.
7. Accordingly, the Application for stay of execution pending Appeal is dismissed with costs.

Dated at Nairobi this 24th day of April, 2015.

MATHEWS N. NDUMA

PRINCIPAL JUDGE

Delivered by Hon. Hellen Wasilwa on 24th day of April, 2015.

In the presence of