



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA

AT NAIROBI

CAUSE NO. 561 OF 2012

PETER KARANJA KURIACLAIMANT

-VERSUS-

CARLILE COLLEGE RESPONDENT

Chehanza for Respondent/Applicant

Claimant in person

RULING

1. The Respondent/Applicant filed a notice of motion dated 3rd December 2013 upon apprehension that the Claimant Respondent would execute the decree of the Industrial Court in Civil Suit No. 561 of 2012 in the sum of Kshs. 2,004,000.00.

It is common cause that the decretal amount was deposited with the Court pending the hearing and determination of an Appeal filed by the Applicant /Respondent.

2. The Registrar of the Court of Appeal issued an order of the Court of Appeal dated 8th November 2013 to the effect that:

“1. The Applicant’s application filed on 24th June, 2013 be and is hereby disallowed to enable the Respondent prosecute its application for enlargement of time to admit Civil Appeal No. 128 of 2013 out of time on condition that a sum of Kshs. 1,380,000.00 being part of the decretal sum adjudged in favour of the applicant be released to him within (14) days of the order hereof.

2. In default of the condition No. 1 above the applicant’s application filed on 24th June, 2013 shall stand allowed and the Respondents Appeal No. 128 of 2013 shall stand struck out and or deemed to have been withdrawn.

3. The Applicant do have costs of this application.”

3. It is common cause that the release of the Kshs. 1,380,000.00 was done after 14 days had lapsed and therefore the order of the Court of Appeal above became effective. It is for the Applicant to move the Court of Appeal for the review of the order if it was unable to comply with it for whatever reason.

4. In the absence of any further order of the Court of Appeal, no Appeal is pending with respect to the judgment of the Court pursuant to which the decretal amount was deposited with the Industrial Court.
5. The Claimant/Respondent has since withdrawn the cross appeal it had filed in this matter at the Court of Appeal and a notice to that effect was filed on 27th January, 2014.
6. It is the Court's finding that there is at this time no impediment to the release of the balance of the decretal amount deposited with the
7. The Registrar is directed to release the said amount to the Claimant forthwith unless directed otherwise by an order of the Court of Appeal.

Dated and delivered at Nairobi this 14th day of March, 2014.

MATHEWS N. NDUMA

PRINCIPAL JUDGE