



**REPUBLIC OF KENYA**  
**INDUSTRIAL COURT OF KENYA AT NAIROBI**

**CAUSE NO. 2101 OF 2012**

***(Before D.K.N. Marete)***

**BENARD A. LUDESHI .....CLAIMANT**

**Versus**

**KENYA NATIONAL SECURITY WORKERS UNION.....RESPONDENT**

**DIRECTIONS**

Judgement in this cause was delivered by this court on 4th March, 2014. Thereafter, various applications have been filed in court seeking orders on diverse subjects. Most of these were not heard before the trial court but were indeed heard and determined and orders made.

When the matter reached this end on 11th June, 2014, counsel for the claimant/applicant raised the issue of his application dated 1st April, 2014 and amended a week later on 8th April, 2014. Counsel also sought the court's directions on the operationalization of the court's freezing orders for the garnishee's account which he submitted was now being operated contrary to the court orders.

Mr. Ngari, counsel for the garnishee submitted that the application of 1st April, 2014 prompted orders for closing (freezing) of account and these were extended on 8th April, 2014. Other orders were made on 9th April, 2014. These orders were not extended as the respondents did not prompt the court to so do.

On 30th April, 2014 leave was granted for commencement of contempt proceedings but this was stayed on 6th May, 2014. The application for contempt is therefore not properly before court. He further submitted that the garnishee has no issue obeying court orders but opines that the orders directed at the garnishee are now not in force for want of extension.

Mr. Wati for the respondent seeks directions on the position and operationalization of the orders made to the respondents and also the prioritization of applications for hearing.

In the circumstances, I direct and order as follows;-

1. That all pending applications in this cause, that is, the applications dated 1st April, 2014, 8th April, 2014 and 29th April, 2014 be heard on 1st July, 2014 at 900 hours.
2. That the amount of deposit made by the respondent pursuant to the orders of court of 6th May, 2014 be reviewed and enhanced to Kenya Shillings Two Million (Ksh.2,000,000.00) pending hearing of the application dated 29th April, 2014 payable in seven days failure of which orders for freezing of their account at Equity Bank shall follow.

3. That the amount of Kenya Shillings Two Million (Kshs.2,000,000.00) deposit shall be made within seven days failure of which the orders freezing account No. [particulars withheld] shall ensue.
4. That the reference to the term *intended garnishee* made in the court order on 9th April, 2014 was in error and did not refer to the garnishee, Equity Bank Limited, Kimathi Branch.
5. That the Registrar shall at the expiry of seven days of these orders of court notify the garnishee of the position of the deposit as ordered.

Delivered, dated and signed the 24th day of June, 2014.

**D.K. Njagi Marete**

**JUDGE**

Appearances:

1. Mr. Nyabena instructed by Nyabena, Nyakundi & Company Advocates for the Claimant/Applicant.
2. Mr. Wati instructed by D.B. Wati & Company Advocates for the Respondent.
3. Mr. Ngari instructed by Gathara Mutinda & Company Advocates for the Garnishee.