

REPUBLIC OF KENYA

IN THE INDUSTRIAL COURT OF KENYA AT KISUMU

CAUSE NO. 67/2013

(Before Hon. Justice Hellen Wasilwa on 3rd July, 2014)

LENS CHARLES NDAGO & 4 OTHERS CLAIMANTS

-VERSUS-

CHEMILIL OUT-GROWERS LTD RESPONDENT

RULING

The application before court is the one dated 11.4.2014. The application is brought through chamber summons filed under the Judicature Act Cap 8 of the High Court Practice and Procedure Rules Part 1 Rule 3 and all other enabling rules generally applicable. The application was brought during the court vacation hence the provisions of the law cited. The application is supported by the annexed affidavit of Ben Nyanga Aduol esq Advocate and such other grounds adduced at this hearing. It is the applicant's case that the applicant was ordered to deposit Ksh 2,271,882/= as decretal amount to the court. The said applicant has actually made a deposit of Ksh 1,300,000/= leaving a balance of Ksh 971,882/=. The applicant is now praying that the amount it has so far deposited of Ksh 1.3 m be considered as sufficient and/or that the time within which depositing the said decretal sum of Ksh 971,882/= be enlarged to six months.

The applicant stated that the application is necessitated by the problems currently facing the sugar industry in Kenya whereby sugar industry operations have been affected.

The respondents opposed this application stating that it is an abuse of the court process as the applicants have not laid down any grounds to warrant a review. It is also respondents contention that there is no appeal filed to-date and the time for filing appeal has expired.

Having considered the averments of both parties, I exercise my discretion under S. 12 (3) (vii) of Industrial Court Act and in granting an appropriate relief for ends of justice, I extent time within which the applicants should deposit the remainder of the decretal sum by 30 days with effect from the date of this order. In default execution to proceed.

HELLEN WASILWA

JUDGE

3/7/2014

Appearances:-

Odeny Advocate for claimants present

Nyanga Advocate for respondents

CC. Wamache