



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT AT NAIROBI
CAUSE NUMBER 951 OF 2013

BETWEEN

JASPER NYABOGA.....
CLAIMANT

VERSUS

PARTY OF NATIONAL UNITY.....
RESPONDENT

AND

EQUITY BANK LIMITED.....
GARNISHEE

Rika J

CC. Mr. Kidemi

Mr. Khaseke instructed by Mohammed Muigai Company Advocates for the Claimant

Mr. Ngare instructed by Gathara Mahinda and Company Advocates for the Garnishee

Ms. Maina instructed by Humphrey & Company Advocates for the Respondent

RULING

1. This is the Ruling on the application made by the Claimant dated 2nd September 2013, which seeks the following Orders:-

- a. The Court be pleased to vary paragraph 1 (d) of its Order issued on 1st August 2013, and direct the Respondent to deposit the sum of Kshs.5,000,000 in cash as security for any compensatory award and other terminal dues that may be found due to the Claimant in place of a title deed.
- b. Any other order or relief the Court may deem appropriate.
- c. Costs of this application

2. Both parties agree the Respondent has not deposited a title deed as proposed by the Respondent, and ordered by the Court earlier. The Court had ordered the title deed be deposited by 9th August 2013, in default, the Respondent be at liberty to seek variation of the orders, reverting for the earlier order for cash deposit.

3. There is no convincing reason shown by the Respondent why there was no compliance. Instead, the Respondent returned to Court with a rehash of the same old argument about its inability to run its operations, in the event of making a cash deposit as security. Quite clearly, the Respondent has not taken the orders of the Court seriously.

In view of this, IT IS ORDERED:-

a. The order issued on 1st August 2013 is hereby varied.

b. The Respondent shall deposit in Court a cash security of Kshs.5,000,000 instead of a land title deed.

c. The said amount be deposited within 7 days, in default, the Claimant shall be at liberty to execute.

d. It is further ordered that the parties schedule the main claim for hearing at the Court Registry, on a priority basis.

e. Costs in the Cause.

Dated and delivered at Nairobi this 17th day of December 2013

James Rika

Judge