



**CHARTERED INSTITUTE OF ARBITRATORS KENYA BRANCH LIMITED
SUMMARY CASE LAW**

HCCOMMMISC/E1273/2020

JUDITH TABITHA KIMANI AND NANCY WADIA KABAKI VS DANIEL GITAU KURIA

FACTS

The Subject matter of the ruling is an application dated 12th November, 2020 made under Section 36 of the Arbitration Act. The applicant sought an order of recognition and enforcement of an Arbitral Award published by the Sole Arbitrator, Kananu Kinya Mutea, on 26th August, 2020. The Respondent was served with the same and did not oppose to the same.

ISSUES

Whether the application to enforce and recognize the Arbitral Award should be allowed?

RULE OF LAW

The Arbitration Act, Section 36.

RULING

The Judge allowed the application and granted leave to the Applicant to enforce it as a Court Decree. The Respondent was ordered to pay costs of Kshs. 40,000/=

RATIONALE

The Court stated that the application is not opposed and the time for setting aside the award had already lapsed, hence recognized the Arbitral Award and granted leave to the Applicant to enforce the same as a Decree of the Court.