



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

HCOMMARB /E017/2021

JEMIMA NJERI VS DIAMOND PROPERTY MERCHANTS LIMITED

FACTS

The Applicant filed an application dated 24th May, 2021 seeking enforcement of an arbitral award dated 29th January, 2021 issued by Ms. Kethi Kilonzo under Section 36 of the Arbitration Act. The time limit for filing an application to set aside under Section 35 of the Arbitration Act had elapsed without any application being made in that regard by the Respondent.

ISSUES

Whether the Arbitral Award dated 29th January, 2021 should be recognized and enforced as a judgment of the Court?

RULE OF LAW

The Arbitration Act, Section 36
The Arbitration Act, Section 35



RULING

The Court allowed the application on terms; that the arbitral award published by Ms. Kethi Kilonzo dated 29th January, 2021 is recognized and leave granted to the Applicant to execute the award as a decree of the Court and; that costs of the application assessed as Kshs. 20,000/= be borne by the Respondent.

RATIONALE

The time limitation as per Section 35 of the Arbitration Act had elapsed without the Respondent making an application to set aside hence, the arbitral award was recognized as binding and enforced as a judgment of the Court.