



**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 12<sup>th</sup> 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 26<sup>th</sup> 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.



# THE JUDICIARY



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI CITY

COURT NAME: MILIMANI LAW COURTS

CASE NUMBER: HCCOMMMISC/E1273/2020

CITATION: JUDITH TABITHA KIMANI AND NANCY WADIA KABAKI VS DANIEL GITAU KURIA

## RULING

The application dated 12th November 2020 is made under **section 36** of the **Arbitration Act**. The Applicant seeks an order of recognition and enforcement of the Arbitral Award published on 26th August 2020 published by the Sole Arbitrator, Kananu Kinya Mutea. Though served with the application, it is not opposed and the time for the setting aside the same has now lapsed. Accordingly the application is allowed on the following terms:

(1) The Award published by Kananu Kinya Mutea on 26th August 2020 be and is hereby recognized and leave granted to the Applicant to enforce it as a decree of this court.

(2) The Respondent shall pay costs of KES. 40,000.00 .

DATED and DELIVERED at NAIROBI this 29th day of JULY 2021.

**D. S. MAJANJA**

**JUDGE**

SIGNED BY: HON. MR. JUSTICE D. S. MAJANJA



THE JUDICIARY OF KENYA.  
MILIMANI HIGH COURT  
HIGH COURT COMMERCIAL AND TAX  
DATE: 2021-07-29 10:07:48+03

