



**Adiero v Agutu & another (Miscellaneous Civil Application  
205 of 2019) [2023] KEHC 19195 (KLR) (27 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19195 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION 205 OF 2019  
RE ABURILI, J  
JUNE 27, 2023**

**BETWEEN**

**SHEM ODUOR ADIERO ..... APPLICANT**

**AND**

**BENARD OLWENY AGUTU ..... 1<sup>ST</sup> RESPONDENT**

**OUMA NJOGA & COMPANY ADVOCATES ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. I have heard both parties to the dispute over the money deposited into court. The Respondent is an advocate while the Applicant is a lay person who is nonetheless knowledgeable.
2. The parties have been unable to agree on their own and the Applicant requests for mediation which the Respondents says it might not help as the Applicant is not acting in good faith.
3. However, this matter is not as sophisticated as it appears although the parties on their own have been unable to agree.
4. In the premise, I exercise discretion and direct that this matter shall forthwith be referred to Court Annexed Mediation which is an alternative mode of dispute resolution and settlement.
5. The file to be taken to the Mediation Deputy Registrar forthwith for appointment of a mediator and a report filed on the results of mediation within sixty (60) days as required by law.
6. Mention on 28<sup>th</sup> August 2023 before the Deputy Registrar of the High Court to confirm the progress of mediation process.
7. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF JUNE, 2023**



**R. E. ABURILI**  
**JUDGE**

