



**Paragon Electronics Ltd v Njeri Kariuki (Arbitrator); Esufali
(Interested Party) (Civil Miscellaneous Application E006 of 2022)
[2023] KEHC 21889 (KLR) (Civ) (14 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 21889 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL MISCELLANEOUS APPLICATION E006 OF 2022

AN ONGERI, J

AUGUST 14, 2023

BETWEEN

PARAGON ELECTRONICS LTD APPLICANT

AND

NJERI KARIUKI (ARBITRATOR) RESPONDENT

AND

AMAMA YUSUF ESUFALI INTERESTED PARTY

RULING

1. This application dated 16/2/2023 is seeking to punish an arbitrator for disobedience of a court order. It could be that arbitrator is overzealous about her work.
2. The judiciary is the people's institution of last resort in matters of litigation.
3. The courts are overwhelmed with work and Article 159 holds the key to the perennial problem of backlog and also the acrimony associated with the adversarial system Kenya inherited from her colonizers.
4. We are now in the era where we are promoting ADR in accordance with Article 159 of the Constitution of Kenya 2010.
5. We are in the process of implementation of AJS and punishing the arbitrators and mediators will not promote our agenda of STAJ (social transformation through access to justice).
6. I direct that the parties in this case avail themselves for a dialogue aimed at resolving the misunderstanding about the conduct of the arbitrator.



7. I hold the application dated 16/2/2023 in abeyance and I direct that parties avail themselves on 4/10/2023 at 2.30pm virtually for directions and the way forward.
8. The arbitrator to join the virtual court if possible.

DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 14TH DAY OF AUGUST, 2023.

A. N. ONGERI

JUDGE

In the presence of:

..... for the Applicant

..... for the Respondent

..... for the Interested Party

