



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

CIVIL CASE NO. 7 OF 2019

AINUSHAMSI CONSTRUCTION &

TRANSPORT LIMITED & 55 OTHERS.....PLAINTIFF/RESPONDENT

VERSUS

THE COUNTY GOVERNMENT OF GARISSA.....1ST DEFENDANT/APPLICANT

THE GOVERNOR, COUNTY GOVERNMENT OF

GARISSA.....2ND DEFENDANT/APPLICANT

THE CECM FOR FINANCE AND

ECONOMIC PLANNING,

GARISSA COUNTY.....3RD DEFENDANT/APPLICANT

RULING

1. By a ruling given by Kariuki J on the 28th October 2020 the matter was referred to arbitration in terms of the arbitral clause in the contract subject of the matter in question.
2. Since the date of the ruling mentioned above parties failed to appoint arbitrator(s).
3. By consent of the parties on the 4th of February 2021 the court directed each party to submit credential of an arbitrator of choice and allow the court to pick on one.
4. On the 2nd of March 2021 the Plaintiff proposed Dr. Kariuki Muigua whose credentials in brief indicate that he is a law scholar, a chartered arbitrator in international and domestic commercial arbitration among others.
5. On their part the Respondents filed details of their arbitrator of choice Mr. Collins Namachanja on the 3rd of March 2021. Mr. Namachanja is an advocate, a member of the chartered institute of arbitrators and a certified Public Secretary.
6. Having considered the impressive credential of both the proposed arbitrators the court is inclined to appoint Dr. Kairuki Muigua as the arbitrator to handle the outstanding issues herein based on his credentials and experience.
7. Bearing in mind the circumstances leading to this court’s intervention and in order to bring a closure to this matter the parties are directed to agree on issues for determination by the arbitrator within a period of 14 days from today’s date in order to jumpstart the arbitral process.
8. The arbitrator as appointed is hereby directed to commence and conclude this matter within a period of 90 days from the date of this ruling.

DATED AND SIGNED AT GARISSA THIS 17TH DAY OF MARCH, 2021.

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ALI-ARONI

JUDGE