

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL SUIT NO. 33 OF 2017

CHINA ZHONGXING CONSTRUCTION COMPANY LTD.....PLAINTIFF

VERSUS

OAKPARK APARTMENTS MOMBASA LTD.....DEFENDANT

R U L I N G

1. Having listened to the parties counsel and read the papers filed in entirety and being cognizant of the parameters and thresholds set and expected to be met under Section 7 of the Arbitration Act, I do grant to the plaintiff orders in terms of Prayer 3 limited to that apartment developed upon the suit property and known as apartment No. 312, disclosed by the defendant not to have been sold pending reference and conclusion of arbitration proceedings.

2. The Order is however granted upon terms that:-

- **The plaintiff must commence the arbitral proceedings within 30 days from today and the process be concluded within 6 months from date of commencement to enable the arbitrator file an award in court on or before the 10/10/2018.**
- **It is further ordered that if there shall be default to commence the arbitration proceedings by the 9/4/2018, the orders hereby granted shall lapse and stand vacated.**
- **Costs be costs in the cause.**

Dated and delivered at Mombasa this 8th day of March 2018.

P.J.O. OTIENO

JUDGE