



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI COMMERCIAL & ADMIRALTY DIVISION**  
**MISC. APPLICATION NO. 157 OF 2015**

**GOLDEN HOMES (MANAGEMENT) LIMITED ::::::::::::::: APPLICANT**

**-VERSUS-**

**MOHAMMED FAKHRUDDINN ABDULLAI ::::::::::::::: 1ST RESPONDENT**

**ALIBHAI HABIBA MOHAMED ::::::::::::::: 2ND RESPONDENT**

**GOLDEN HOMES LIMITED ::::::::::::::: INTERESTED PARTY**

**R U L I N G**

**INTRODUCTION**

1. The application before the court is an *ex-parte* Chamber Summons dated **30th March 2015** and filed in court on 1st April 2015, by the Applicant. The application seeks orders that:-

1. *This honorable court be pleased to adopt the arbitral award made by Ms. Sylvia Michelle Kithinji, sole arbitrator on 21st November 2014 as a decree of this honourable court.*

2. *The costs of this application be provided for.*

2. The application is premised on the grounds that:-

1. *A final arbitral award was made and published by Ms. Sylvia Michelle Kithinji, sole arbitrator on the 21st November 2014 in respect of the dispute between the parties herein.*

2. *By virtue of Section 36 (1) of the Arbitration Act, 49 Laws of Kenya, the said award is capable of being recognized as binding and shall be enforced by this honorable court.*

3. *Hence it is necessary for a decree to be issued by this Honorable court so as to enable the Applicant to enforce this award as against the Respondent who has since paid only part of the required charges, that is, Kshs.305,000,00 and still pending to be settled are cost and interests of the proceedings which are yet to be computed at court rates and to be paid by the Respondent.*

3. The application is supported by affidavit of **Francis John Wanyage** dated 30th March 2015, who states that he is the Managing Director of the Applicant. That the relationship between the parties herein began on 19th April 2010 when the parties entered into a lease agreement for provisions of housing facilities by the Applicant herein to the 1st and 2nd Respondents. Ms. Silvia Michelle Kithinji was appointed by the parties as the sole arbitrator to determine the dispute. The arbitration proceedings were conducted and parties presented their cases before the arbitrator, Sylvia Michelle Kithinji. The final arbitral award was made and published on the 21st November 2014. By virtue of Section 36 (1) of the Arbitration Act, Cap 49 of the Law of Kenya, the said award is capable of being recognized as binding and shall be enforced by this court. The fact of this publication of the final award has been drawn to the attention of the Respondents herein, who has partly settled the awarded sum by paying part of the required charges owed to the claimant, that is Kshs.305,000 what is still outstanding and yet to be paid are interests and costs of the proceedings which are to be computed at court rates. The Applicant herein is desirous to enforce the said final award as a decree of this court, hence the present application.

4. Although the application is expressed to be *ex-parte*, it was duly served. It is however not opposed.

5. In my view the application is merited. It has also complied with the provisions of the law.

6. In the upshot, the application dated 30th March 2015 is allowed as prayed with costs in cause.

Orders accordingly.

**READ, DELIVERED AND DATED AT NAIROBI**

**THIS 15TH DAY OF MAY 2015**

**E. K. O. OGOLA**

**JUDGE**

**PRESENT:**

Mr. Wilson holding brief for M/s Mambiri for the Applicant

No appearance for the Respondents

No appearance for the Interested Party

Teresia – Court Clerk