



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI COMMERCIAL & ADMIRALTY DIVISION

MISC. APPLICATION NO. 138 OF 2015

**IN THE MATTER OF: ARBITRATION ACT (CAP 49) PART VII, SECTION 36 (1) AND THE
ARBITRATION RULES 1997**

**IN THE MATTER OF: ARBITRATION CONDUCTED AT CHARTER INSTITUTE OF
ARBITRATOR**

BETWEEN

TANDU ALARMS SYSTEM LIMITED ::::::::::::::::::::::::::::::::::: APPLICANT

-VERSUS-

HACIENDA DEVELOPMENT LIMITED ::::::::::::::::::::::::::::::::::: RESPONDENT

R U L I N G

I N T R O D U C T I O N

1. Before the court is an *ex-parte* Chamber Summons dated **6th March 2015**. It seeks the following orders:-

- 1. This honorable court be pleased to adopt the arbitral award made by Mr. Kyalo Mbobu, sole arbitrator on 22nd August 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 Mr. Kyalo Mbobu, sole arbitrator, on the 22nd August 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. The fact of the publication has been drawn to the attention of the Respondent who has failed, neglected and/or refused to settle the award.***

3. The application is supported by affidavit of **Martin Haylock** which mainly expands on the said grounds. The application is *ex-parte* but was served. It is not opposed.

4. In my view the application complies with the law and is merited. In the upshot the application is allowed with costs in the cause.

Orders accordingly.

READ, DELIVERED AND DATED AT NAIROBI

THIS 15TH DAY OF MAY 2015

E. K. O. OGOLA

JUDGE

PRESENT:

M/s Nyagah holding brief for Thangei for the Plaintiff

No appearance for the Defendants

Teresia – Court Clerk