



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL CASE 288 OF 2012**  
**IN THE MATTER OF ARBITRATION BETWEEN**

**JOHN KARANJA :::  
CLAIMANT/APPLICANT**

**- VERSUS -**

**AFRICA REGIONAL BUREAU OF ZINHUA NEWS AGENCY :::::::::::::::::::: 1<sup>ST</sup>  
RESPONDENT**

**TANG SHAIFU ::: 2<sup>ND</sup>  
RESPONDENT**

**R U L I N G**

**1.** Before the court is a **Notice of Motion** application dated **8<sup>th</sup> May 2012**. The application is brought under **Order 22** of the **Civil Procedure Rules**, and **Sections 36**, and **39** of the **Arbitration Act 1995** and **Rule 9** and **Section 3A** of the **Civil Procedure Act**. The application seeks the following orders:

**(1)** The Arbitration Award dated 12<sup>th</sup> day of July 2010 be hereby converted into Decree of this Honourable Court.

**(2)** That the said Decree be for recovery of US. D \$2250 at the current exchange rate of shilling ninety five (Kshs.95/=) per dollar plus arbitration costs taxed at Kshs.731,207.00 until recovery in full. Such an execution be an enforcement of the award as the provision of Order 22 of the Civil Procedure Rules and Section 36 of the Arbitration aforesaid.

**(3)** The costs of this application and subsequent and incidental thereto be paid by the Respondent Judgement Debtor in any event.

**(4)** Interest at court rates be paid to the Decree holder, form the date of the Award on 12<sup>th</sup> day of July 2010.

**2.** The application is grounded on the grounds stated in the application namely:-

**1)** By consent the Plaintiff and the Defendant on 22/6/2009 agreed to resolve the dispute through Arbitration.

**2)** On 1<sup>st</sup> December 2009 the parties' advocates entered into arbitration agreement to have the matter

resolved by JAMES MANG'ERERE (Arbitrator).

3) On 12<sup>th</sup> July 2010 the Arbitrator entered the Award in favour of the Plaintiff.

3. The application is supported by an affidavit sworn by **SAMUEL KIHARA NDIBA** dated **8<sup>th</sup> May 2012** and supported by annexures attached thereto.

4. The application is not opposed as there is no records or grounds of opposition on file. Neither is there a replying affidavit on record. When the matter came up for hearing on 5<sup>th</sup> June 2012, Mr. Maloba held brief for Mr. Masire for the Respondent. Mr. Maloba applied for adjournment of the matter. The application was dismissed and the matter proceeded.

5. I have considered the application and the supporting affidavit and annexures attached thereto. I have considered the Ad Hoc Arbitration Agreement dated 1<sup>st</sup> December 2009 and attached to the affidavit in support as "**SKN 1**".

I have also considered the Award dated 12<sup>th</sup> July 2010 and the proceedings leading to the same.

I herewith adopt the Arbitral Award dated 12<sup>th</sup> July 2010 as a Judgement of this court. I further allow prayers 2, 3 and 4 of the Notice of Motion dated 8<sup>th</sup> May 2012 except that applicable dollar/shilling exchange rate shall be the ruling rate on the date of payment of the award.

It is so ordered.

**DATED, READ AND DELIVERED AT NAIROBI**

**THIS 19<sup>TH</sup> DAY OF JULY 2012**

**E. K. O. OGOLA**

**JUDGE**

**PRESENT:**

*Kihara for the Applicant*

*N/A for the Respondent*

*Teresia – Court Clerk*