

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAIROBI

ELC MISC APPLICATION NO. 355 OF 2014

EVANGELIZING SISTERS OF MARY.....APPLICANT

=VERSUS=

DIOCESS OF NGONG.....RESPONDENT

RULING

1. Through a chamber summons originally dated 10/10/2014 and subsequently amended on 17/6/2021, the Evangelizing Sisters of Mary invited the court to adopt the final arbitral award dated and published on 13/7/2011 as a judgement of this court and issue a decree thereupon. The application is unopposed. The court record has an affidavit of service sworn on 2/7/2021, indicating that the amended chamber summons together with a hearing notice were served on the respondent on 17/6/2021.

2. The application was orally canvassed in the plenary of the virtual court on 6/7/2021 by Mr Liech, counsel for the applicants. He relied on the supporting affidavit sworn by Sister Anna Mary Henrietta Nyangoma in which she deposed that the parties to this application had a dispute over ownership of Land Reference Number 23011, comprised in Grant No IR 5480, measuring approximately 10.93 hectares and situated in Ngong, Kajiado County. Parties to the application voluntarily submitted themselves to an arbitral tribunal for the resolution of the dispute. Arbitral proceedings were conducted and a final arbitral award was rendered by the arbitral tribunal. The final arbitral award is dated 13/7/2011.

3. I have considered the application together with the supporting affidavit. I have also perused the final award. It is dated 13/7/2011. The arbitral tribunal consisted of a single arbitrator, Rev Fr Emmanuel Jada Patrisio, JCD, LL.M. The award was countersigned by His Eminence John Cardinal Njue, Apostolic Administrator of Ngong Diocese, and Rev Fr John Orange Obaga on behalf of the Vica General of Ngong Diocese. On part of the applicants, the award was signed by Sr. Anna Mary Henrietta Nyangoma, Superior General, ESM and Sr Magdalene Massawe, Vicar General ESM. Witnessing the final award were Rev Fr Calisto Nyagilo, Judicial Vicar, Archdioceses of Nairobi, and Miss Alma Bisagni, FMG.

4. In the absence of any objection to the adoption of the award, I will exercise my jurisdiction under **Section 36** of the Arbitration Act and adopt the final award dated 13/7/2011 as a judgment of this court. Consequently, the chamber summons application dated 10/10/2014 and amended on 17/6/2021 is granted in terms of Prayer 1. There will be no order as to costs.

DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 14TH DAY OF JULY 2021.

B M EBOSO

JUDGE

In the Presence of: -

Mr. Liech for the Applicant

Court Assistant: June Nafula