

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

COMMERCIAL AND TAX DIVISION

MISCELLANEOUS APPLICATION NO. E1128 OF 2020

LALJI MEGHJI PATEL & COMPANY LIMITED.....APPLICANT

-VERSUS-

KABETE DAM LIMITED.....RESPONDENT

RULING

1. I have considered the submissions made by Mr. Osundwa on 19th July 2021 when he urged the court to allow the application dated 8th October 2020 for the enforcement of the arbitral award of 3rd August 2020. Counsel submitted that the respondent had not filed any response or objection to the application.

2. I however note that the case matter was coming for directions on 19th July 2021 and not for the hearing of the application. I also note that the certified copy of the Award sought to be enforced has not been filed before this court as required under Section 36 of the Arbitration Act.

3. Consequently, I direct the applicant to comply with Section 36 of the Arbitration Act before the application can be considered. Hearing on 27th October 2021. Hearing notice to issue.

Dated, signed and delivered via Microsoft Teams at Nairobi this 22nd day of July 2021 in view of the declaration of measures restricting court operations due to Covid-19 pandemic and in light of the directions issued by his Lordship, the Chief Justice on the 17th April 2020.

W. A. OKWANY

JUDGE

In the presence of:

Ms Nasimiyu for Osundwa for Applicant.

No appearance for Respondent.

Court Assistant: Sylvia.