



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**COMMERCIAL AND TAX DIVISION**

**MISCELLANEOUS CIVIL APPLICATION NO. 124 OF 2019**

**PRIDE ENTERPRISES LIMITED.....APPLICANT**

**AND**

**KENYA NATIONAL HIGHWAYS AUTHORITY.....RESPONDENT**

**RULING**

1. In the ruling delivered on 8<sup>th</sup> July 2021, this court directed the applicant to comply with the requirements of **Section 36 of Arbitration Act**. In this regard, the applicant was directed to file the original Arbitration Agreement and the two Awards in Court, through Deputy Registrar Commercial & Tax Division within 14 days from the date of the ruling, and to serve the same on the Respondent before the issue of recognition and enforcement of the Final Arbitral Award could be considered.

2. Immediately after the delivery of the said ruling, **Ms. Misere**, learned counsel for the applicant, intimated to the court that the applicant had already filed the certified copies of the award and contract through the Supplementary Affidavit dated 13<sup>th</sup> January 2021. It turns out that the said Supplementary Affidavit had inadvertently not been placed in the court file at the time the ruling delivered on 8<sup>th</sup> July 2021 was written.

3. I have perused the Supplementary Affidavit dated 13<sup>th</sup> January 2021 and I find that it contains certified copies of the award and contract. I therefore find that that the Applicant has met the conditions for recognition and enforcement of the award under **Section 36 of the Arbitration Act**. Consequently, I allow the Chamber Summons dated 11<sup>th</sup> December 2019 in the following terms: -

*(a) That the Final Award prepared by Njeri Kariuku (Sole Arbitrator) published on 21<sup>st</sup> January 2019 and the Additional Award published on 1<sup>st</sup> April 2019 be and are hereby recognized and adopted as a judgment of this court.*

*(b) That leave is granted to the Applicant to enforce an award as a decree of this court.*

*(c) The respondent shall bear the costs of this application.*

**Dated, signed and delivered via Microsoft Teams at Nairobi this 22<sup>nd</sup> 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 17<sup>th</sup> April 2020.**

**W. A. OKWANY**

**JUDGE**

**In the presence of:**

Ms Misere for the Applicant.

Mr. Ochieng for Obok for Respondent.

Court Assistant: Sylvia