



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
COMMERCIAL & ADMIRALTY DIVISION
CIVIL SUIT NO. 878 OF 2010

UMAR HAMIRI.....PLAINTIFF/RESPONDENT

VERSUS

WANANCHI GROUP (KENYA) LTD.....DEFENDANT/APPLICANT

R U L I N G

1. Before the court is a **Chamber Summons** dated **24th July 2014** brought under Order 46 Rule 18 of the Civil Procedure Rules, Section 36 (1) of the Arbitration Act, Cap 49 of the Law of Kenya, and Under Rule 9 of the Arbitration Rules 1997.

2. The Chamber Summons seeks the following orders:-

a. That the Arbitral Award dated 10th February 2014, and delivered on the same day be and is hereby adopted as the decision of this Honourable Court.

b. That Judgement be and is hereby entered in terms of the Arbitral Award dated 10th February 2014.

3. The applications founded on the following grounds:-

a. That by a Consent letter dated 27th June 2011 and by an Order issued on 7th June 2012, the parties herein submitted the dispute as among them before the sole arbitrator appointed by the Chartered Institute of Arbitrators (Kenya).

b. That the Arbitration was conducted under the directions and instructions of the sole arbitrator, Mr. Kihara Muruthi (FCI Arb), who delivered his Arbitral Award on 10th February 2014.

c. That the Arbitral Award dated 20th February 2014 has not been appealed against, set aside or opposed in anyway.

4. The application is supported by an affidavit of **Ouma George** dated **24th July 2014**. Attached to the said affidavit as annexure "**OG1**" is a copy of the FINAL AWARD.

5. The application is not opposed. The parties submitted that the issue in this suit was arbitrated upon, and that a final award being the said annexure "**OG1**" was given by the Arbitrator thus rendering the suit

settled. That Arbitral Award has been accepted by all the parties and there is no appeal pending. This is why both parties now request that Judgement be entered herein in terms of the Arbitral Award dated 10th February 2014.

6. I have considered the application and the submission of both parties. I have also seen the Arbitral Award dated 10th February 2014 which has been accepted by all parties. What remains now is for this court to enter Judgement in terms of the said award and to bring this matter to an end.

7. In that regard I make the following orders:-

a. That the Arbitral Award dated 10th February 2014, and delivered on the same day be and is hereby adopted as the decision of the court.

b. That Judgement is hereby entered in terms of the said Arbitral Award dated 10th February 2014.

c. That this suit is hereby marked as settled.

d. That there is no order on costs of this application.

Orders accordingly.

READ, DELIVERED AND DATED AT NAIROBI THIS 17TH DAY OF OCTOBER 2014

E. K. O. OGOLA

JUDGE

PRESENT:

No appearance for Plaintiff/Respondent

No appearance for Defendant/Applicant

Irene – Court Clerk