



Kinyanjui v Gateway Malls Limited (Environment and Land Miscellaneous Application E004 of 2023) [2024] KEELC 4209 (KLR) (22 May 2024) (Ruling)

Neutral citation: [2024] KEELC 4209 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E004 OF 2023
MN GICHERU, J
MAY 22, 2024**

**IN THE MATTER OF AN APPLICATION FOR INTERIM MEASURES AND
ENFORCEMENT OF THE ARBITRAL RULING PUBLISHED ON 30TH JUNE 2023 BY
MR. CALVIN NYACHOTI, CHARTERED ARBITRATOR**

BETWEEN

OLIVE WAMUHU KINYANJUI APPLICANT

AND

GATEWAY MALLS LIMITED RESPONDENT

RULING

1. This ruling is on the chamber summons dated 21/7/2023. The summons which is brought under Sections 7 (1) and (2), 36 and 37 of the *Arbitration Act* and Rule 9 of the Arbitration Rules 1997 seeks to have the arbitral ruling on record and dated 30/6/2023 be enforced as an order of this court. It also seeks that an order be issued in terms of the arbitral ruling.
2. The motion is based on seven grounds and is supported by an affidavit by the applicant which has two annexures which include the sale agreement between the parties dated 20/5/2011 and a copy of the arbitral ruling dated 30/6/2023. In summary the applicant is saying that she has been issued with an interim order by the arbitrator but she seeks an order from this court for enforcement.
3. The summons, though served as per the affidavit of service dated 14/11/2023 is unopposed.
4. Having considered the summons in its entirety and the same being unopposed, I find that it has merit and I allow it under Sections 7 and 36 of the *Arbitration Act* (Cap 49).

It is so ordered.

DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 22ND DAY OF MAY 2024.



M.N. GICHERU
JUDGE

