

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
COMMERCIAL AND TAX DIVISION
HCCOMM/E451/2019

KENYA MEDICAL WOMEN'S ASSOCIATION..... APPLICANT
-VERSUS-
REGISTERED TRUSTEES GERTRUDES'S GARDENSRESPONDENT
PAUL NGO THO, ARBITRATOR..... INTERESTED PARTY

IN VIRTUAL COURT ON THE 29th DAY OF JULY, 2021
BEFORE HONOURABLE LADY JUSTICE W.A OKWANY

ORDER

THIS MATTER Coming up on 29/7/2021 for Ruling arising from the Originating Summons (O.S) dated 9th December 2019, brought (*Under section 15 (2) and 16 (1) of the Arbitration Act*)

Applicant prays for orders;

1. **THAT** the Honourable Court be pleased to terminate the mandate of Paul Ngotho, sole Arbitrator from continuing to preside over arbitration dispute between the applicant and the Respondent herein,
2. **THAT** the Honourable Court be pleased to order fresh appointment of a different sole arbitrator by the Institute of Surveyors of Kenya as provided by the contract to determine the dispute.
3. **THAT** the Honourable Court be pleased order that these arbitral proceedings be concluded within six (6) months from the date of appointment of different arbitrator.
4. **THAT** the cost of this application be provided for.

Upon reading the said Ruling in the presence of Ms. Adunga for the Applicant and Mr. Onyango for the Respondent

IT IS HEREBY ORDERED THAT:

1. The Originating Summons dated 9th December 2019 is not merited and is hereby dismissed with costs to the respondent.

GIVEN UNDER my hand and seal of this Honourable Court at Nairobi this 29TH day of JULY, 2021.

ISSUED at Nairobi this 6th day of September 2021

DEPUTY REGISTRAR
HIGH COURT OF KENYA
MILIMANI, NAIROBI
DEPUTY REGISTRAR
HIGH COURT OF KENYA AT NAIROBI
COMMERCIAL AND TAX DIVISION

