

**IN THE REPUBLIC OF KENYA**  
**ALUOCHIER DISPUTE RESOLUTION**  
**REQUEST FOR ARBITRATION**

*(Pursuant to Rule 5.2 of the Aluochier Dispute Resolution Arbitration Rules, 2023)*

<b>Rule</b>	<b>Description</b>	<b>Answer</b>
'5.2.1	Specify the name, address, nature and principal address of the person or business requesting for the arbitration	<i>Name: <b>Caroline Atieno Anditi</b> Address: Kamagambo/Kanyamamba/603 Telephone: 0715 034969 &amp; 0782 855806</i>
'5.2.2	Specify the contact details of each of the parties, including telephone and email	<i><b>1<sup>st</sup> Respondent:</b> Charles Orinda Owiny (Deceased), represented by Carren Akeyo Owiny of telephone 0722 982384 <b>2<sup>nd</sup> Respondent:</b> Julius Oluoch Mbom of P O Box 85-40404, Rongo as per the address on the Mutation Form for Kamagambo/Kanyamamba/125 registered on 21<sup>st</sup> November, 1980.</i>
'5.2.2	Specify the contact details of the claimant's representative, including telephone and email	<i>N/A</i>
'5.2.3	Attach a copy of the contract in which the arbitration clause is provided or in respect of which the arbitration arises; or a copy of a separate arbitration agreement invoked by the claimant; or copies of exchange of letters, telex or telegram, facsimile, electronic mail or other means of electronic communication which provide a record of the agreement; or an allegation of the existence of an arbitration agreement; or reference to a written law or laws providing for arbitration.	<i>No attached contract showing arbitration clause, or separate arbitration agreement.  I am invoking my right under Article 50(1) of the Constitution of Kenya, 2010 providing that every person has the right to have any dispute that can be resolved by the application of law resolved in a fair and public hearing before a court or, if appropriate, another independent and impartial tribunal or body. So just as I don't need an agreement to institute court proceedings, I also don't need an agreement to institute arbitration proceedings before an independent and impartial arbitration tribunal or body, such as is being facilitated by Aluochier Dispute Resolution.</i>
'5.2.4	Provide a statement describing the nature and circumstances of the dispute giving rise to the claim, and specifying the relief sought by the claimant against the respondent.	<i>On 10<sup>th</sup> October, 2023 Carren Akeyo Owiny, seemingly acting together with a neighbour, Mr Ojuka Andhoga, made a claim to recover Kamagambo/Kanyamamba/603, measuring 1.4 hectares, that is registered jointly in the</i>

		<i>names of her late husband, Charles Orinda Owiny and Julius Oluoch Mbom, with the registration having been made on 25<sup>th</sup> November, 1980. I, together with my 3 children, have been living on and farming about 0.47 hectares (1.16 acres) of the land from the year 2009, when my late husband died and was buried there. I did not seek permission or authority from the registered owners when I moved in and commenced living on and farming the land under my occupation. It is now about 14 years since I and my children have been living on the land. It is my belief that title to the land under my occupation and use, currently in the names of the registered owners, was cancelled upon I and my family having lived on the land for 12 years. I am therefore praying for the legal acknowledgement that title to the land under my occupation is no longer in the names of Charles Orinda Owiny and Julius Oluoch Mbom, and that I should be registered as the owner of the approximately 0.47 hectares (1.16 acres) under my occupation over the last 14 years.</i>
'5.2.5	Specify the language of arbitration, as agreed to in writing by the parties or as proposed by the claimant to the respondent.	<i>I understand both English and Luo and would prefer the arbitration to be in any of the two languages.</i>
'5.2.6	If the arbitration agreement provides for nomination of arbitrators by the parties, specify the name, address, telephone, e-mail address, nationality and qualifications of the claimant's nominee.	<i>N/A – as there is no arbitration agreement.</i>
'5.2.7	Provide a confirmation, addressed to the Chief Executive, that copies of the request for arbitration and all supporting documents have been served on all the parties to the arbitration and the means of service used or intended to be used.	<i>I have elected to serve the parties through the Institute, by availing all of my documents to the Institute for service to be effected by the Institute.</i>
'5.2.8	Provide evidence of payment of the non-refundable fee as prescribed in the First Schedule	<i>Payment of Kshs 1,000/- was made to Mpesa Paybill No. 5811529, Mpesa Ref: RKE0D2VD24 from 254715034969 on 14<sup>th</sup> November, 2023.</i>