

TAWO AND COMPANY ADVOCATES

Commissioner for Oaths & Notary Public

KISUMU BRANCH

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Opposite Nyando Law Court
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KISUMU

George Tawo
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Our Ref: TCA/CC/27/2024

Your Ref: TBA.

Date: 9th April, 2024

"Advance Copy via Email"

ALUOCHIER DISPUTE RESOLUTION
PIONEER HOUSE 2ND FLOOR,
P.O. BOX 436-40404
RONGO KENYA
info@aluochier.co.ke

Dear Sir/Madam,

RE: CASE NUMBER 001 OF 2023 CAROLINE ATIENO ANDITI –VS- THE ESTATE OF CHARLES ORINDA OWINY (DECEASED) & JULIUS OLUOCH MBOM (DECEASED).

We write on behalf of our clients, CAREN AKEYO OWINY and KEITH MBOM on whose instructions We address you as follows:

That the subject matter of the dispute is land and is not capable of settlement by arbitration under the law of Kenya as Claim for adverse possession is purely a reserve of Environment and Lands Court and the Claimant therefore cannot seek refuge under Article 159 of the Constitution under the present circumstances in view of the mandatory and express provision of the law

That there is no agreement and/or consent subjecting our clients to the process and the Estate of JULIUS OLUOCH MBOM do not have a competent administrator capable of being sued as such arbitration proceedings thereon are defective and/or illegal and therefore null and void.

That article that Article 159 of the Constitution is not a panacea for all procedural shortfalls alternative forms of dispute resolution can only be exercised where the circumstances of the case so allows and the parties have agreed the said alternative mode of dispute resolution other than the court.

To this end our client is requesting to have the orders thereto set aside and the Claimant be advised to approach the right forum.

Yours faithfully,

TAWO AND COMPANY ADVOCATES,

George Tawo

LLB(HONS) KSU, Dip KSL CPM(MTI)

Cc : Caroline Anditi - +254 715 034 969

Client

T.P.O