

Aluochier Dispute Resolution

Arbitral Institution | Arbitration | Mediation

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Registration No: BN-BGCLBG7

12th April, 2024

Tawo and Company Advocates
KWFT Building, 2nd Flr, Dr 1
Opposite Nyando Law Court
P O Box 1851-40100
Kisumu

Dear Mr Tawo

CASE NUMBER 001 OF 2023: CAROLINE ATIENO ANDITI v THE ESTATE OF CHARLES ORINDA OWINY (DECEASED) & THE ESTATE OF JULIUS OLUOCH MBOM (DECEASED)

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We are in receipt of your letter dated 9th April, 2024, served upon us a short while ago by email by a process server.

In response to your clients requesting to have the orders of the arbitration award dated 31st March, 2024 set aside and the Claimant be advised to approach the right forum, we respond by stating:

1. Pursuant to section 33(1) of the Arbitration Act, 1995, the arbitral proceedings were terminated by the final arbitral award dated 31st March, 2024. The arbitral tribunal thereby became *functus officio*, and therefore no longer has jurisdiction over the dispute. Consequently, the arbitral tribunal cannot, in law, set aside the said arbitral award.
2. The arbitral tribunal, pursuant to Article 50(1) of the Constitution, was an independent and impartial tribunal with respect to the dispute. It must not therefore offer any legal advice to the Claimant or any of the other parties – a role for a party representative, such as yourself. We therefore leave it to the Claimant to take note of your comments in your letter, as you indicated that you copied her in on your letter, and seek her own legal advice separate from

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us.

Yours faithfully

For and on behalf of

Aluochier Dispute Resolution



Isaac Aluochier

Chief Executive

Cc

Caroline Atieno Anditi, WhatsApp +254 715 034969