



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

CITY CAMPUS

MAIN EXAMINATION

JANUARY – APRIL 2015 TRIMESTER

FACULTY OF LAW

EVENING PROGRAMME

CLS 207: CIVIL PROCEDURE II

P.O. Box 62157
00200 Nairobi - KENYA
Telephone: 891601-6
Fax: 254-20-891084
E-mail: academics@cuea.edu

Date: April 2015

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

- Q1. a) Mr. Siasa Kali has lost in an election for senatorial polls but has genuine reasons and evidence which is strong enough to prove that he lost unjustly and that the elections were bungled.
- He comes to you indicating that he would like to sue but has been informed that there is something called Alternative Dispute Resolution (ADR) Mechanisms for resolving disputes. Can he use ADR in this case? If not why? What would his pleading be? **(15 marks)**
- b) What is the difference between ADR and Arbitration? Explain using an example of an arbitration clause the significance of the arbitration clause. **(10 marks)**
- c) Why is the role of court in arbitration hearing limited? **(5 marks)**
- Q2. Briefly explain grounds and the remedies of a party who has made an application for judicial review citing the necessary procedure to be followed? **(20 marks)**
- Q3. Explain with the help of decided cases the various types of injunctions. **(20 marks)**

Q4. Answer the following briefly:

- a) International Investment Arbitration (5 marks)
- b) Appeal and Review (5 marks)
- c) Bill of Costs and Taxation (5 marks)
- d) Remuneration order (5 marks)

Q5. Discuss in detail International Commercial Arbitration. (20 marks)

END