



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**CIVIL CASE NO. 90 OF 2010 (OS)**

**KAIHU KARUGO.....PLAINTIFF/APPLICANT**

**VERSUS**

**KAMAU NJIGUA.....1<sup>ST</sup> DEFENDANT**

**MONICAH MUTHONI MWANGI.....2<sup>ND</sup> DEFENDANT**

**WAMBUI KAHORERIA.....3<sup>RD</sup> DEFENDANT**

**MUGURU MWANGI.....4<sup>TH</sup> DEFENDANT**

**PRISCILLA WAMBUI NGUGI.....5<sup>TH</sup> DEFENDANT**

**WAMBUGU NJURU.....6<sup>TH</sup> DEFENDANT**

**(ALL TRADING AS KENDA BOARDING & LODGING)**

**RULING**

1. In the judgment delivered on 5<sup>th</sup> October 2018 in this originating summons, Justice W. Musyoka found that the parties herein were partners, and the plaintiff had issued a notice of termination of the partnership. The court ordered the winding up of the partnership, and asked that the partnership property be valued and sold and the proceeds be shared among the partners proportionate to their respective shares.

2. There is disagreement on the value of the assets. This is because the three valuers who valued the property each returned a different valuation. There is also disagreement on who will source for the buyers, whether a commission shall be paid to those sourcing, and how the liabilities (including payment to respective advocates) shall be done. Further, some properties' title documents have either been misplaced or lost and for others leases have expired and have not been renewed. Lastly, the application does not mention Nyamu Muchunu who was one of the partners but has since died.

3. In the wider interest of justice, and being cognisant of **Article 159(2)(c)** of the Constitution, I refer this matter to Court Annexed Mediation for the parties to discuss these issues and be helped to reach a mutually beneficial resolution.

4. The Deputy Registrar is hereby directed to enable the mediation. Mention shall be on **26<sup>th</sup> July 2021**.

**DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 24<sup>TH</sup> DAY OF MAY 2021.**

**A.O. MUCHELULE**

**JUDGE**