

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CIVIL SUIT NO 96 OF 2008

SOLOMON GICHURU MAUGO.....PLAINTIFF

VERSUS

JOSEPH MWIRIGI M'ITHIRI.....1ST DEFENDANT

KENYA COMMERCIAL BANK.....2ND DEFENDANT

R U L I N G

On 29th February, 2016 the 1st Plaintiff and the 1st Defendant proffered a Consent asking this Court to transfer this suit to CM's Court, Meru, for hearing and determination.

The Consent is signed by the Advocates representing the parties. The Consent is in the following terms:-

“By consent, this matter is transferred to the Lower Court at Chief Magistrate's Court at Meru”.

The Consent is properly signed by the parties' Advocates.

This Court was shown a discharge of charge which effectively would have meant a return of the apposite Certificate of Title to the Defendant. This may form a basis for Advocate Kioga, for the Plaintiff, stating that the Kenya Commercial Bank may no longer be interested in the merits of this suit.

This suit was filed in 2008, eight years ago. In view of the Consent, which I reluctantly adopt as an order of this Court in terms of Section 18, CPA, this suit is transferred to Chief Magistrate's Court Meru for hearing and determination.

It is so ordered.

Delivered in Open Court at Meru this 29th day of February, 2016.

in the presence of:-

CC: Lilian/Daniel

Kioga for Plaintiff

Muthamia for 1st Defendant

P. M. NJOROGE

JUDGE