



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**E & L CASE NO 57 OF 2015**

**CO-OPERATIVE BANK OF KENYA.....PLAINTIFF**

**VERSUS**

**STEPHEN GITONGA MBAABU .....DEFENDANT**

**J U D G M E N T**

On 10/11/2015, Mr. Edwin Kimathi, holding brief for Mr. Echesa for the Plaintiff and Mr. Evans Mutegi Mugambi, holding brief for Mr. Wachira for the defendant proffered to Court a Consent which they asked this Court to adopt as its order.

The Consent is in the following terms:-

“We, the undersigned shall be grateful if you endorse the following Consent between the parties to this case **BY CONSENT**:

a. The application dated 21/07/2015 and the entire suit be and is hereby settled by the parties on the following terms:-

1. *The defendant shall accord the Plaintiff a one year Licence for occupation of the commercial premises known as MAUA/TOWNSHIP/39 currently occupied by the Plaintiff with effect from 01.08.2015 to 01.08.2016, the parties shall draw up and sign a Licence agreement reflecting the agreed terms of the licence, the plaintiff shall upon expiry of the term of the Licence relocate from the defendants premises.*
2. *The plaintiff shall pay the agreed monthly licence fees of Ksh 468,180/= (Kshs. 90/- per sq) per quarter in advance to the defendant exclusive of VAT the first payment having already been made.*
3. *The plaintiff shall top up the current security deposit held i.e Kshs. 765,300/- to the equivalent of 3 months licence fees Ksh. 1,404,540/=*
4. *The Plaintiff shall pay to the defendant Kshs 375,800/= as reimbursement for repairs from damages caused to the roof of the suit premises.*
5. *The payments in 3 and 4 to be made within fourteen (14) days of the filing of the consent.*
6. *The respective parties to the suit bear their cost whereas for the drawing of the Licence agreement the resulting charges shall be as per the Advocates Remuneration Order, 2014”.*

The consent is duly signed by the Advocates representing the parties.

This Consent is adopted as an order of this Court. This suit is marked as settled and definitively heard and determined.

It is so ordered.

Delivered in open Court at Meru this 11<sup>th</sup> day of November, 2015 in the presence of:-

CC: Daniel /Lilian

**P . M. NJOROGI**

**JUDGE**