

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL SUIT NO. 22 OF 2013

AGAM INVESTMENTS LTD. PLAINTIFF

- V E R S U S -

1. VOI DEVELOPMENT COMPANY LTD

2. ELIUD MWAMUNGA

3. W.K. NJIRI..... DEFENDANTS

RULING

Having perused the application dated 30th January, 2013 and having equally perused the consents filed in Court on 15th May, 2013 striking out paragraphs 5,6,7,8,9,13,14,15,16,17,18,20,24 (viii) 26,27,28,29 (i) (ii) and (iv) of the 1st and 2nd defendants defence and paragraphs 4,6,7,8,9,10,13,15,19 (x) of the affidavit sworn by the 2nd defendant and the defendants having agreed with the 3rd defendant to allot him an alternative plot and the 3rd defendant having conceded so in his submission, I find nothing standing on the way for the application dated 30th of January 2013. the same is allowed as prayed with costs. The 1st and 2nd defendant should also pay the costs of the 3rd respondent.

Dated and delivered at Mombasa in open court this 14th day of February, 2014.

S.N. MUKUNYA

JUDGE

14.2.2014

In the presence of:

Muyaa Advocate for Plaintiff

Nyambena holding brief for Adhoch Advocate for 1st and 2nd plaintiff

Mrs. Mohammed for the 3rd defendant.