



**REPUBLIC OF KENYA**

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

**ENVIRONMENT AND LAND CASE NO. 302 OF 2013**

**GODFREY KINJA.....PLAINTIFF**

**VERSUS**

**GILBERT KABEERE M'MBIJIWE.....1ST DEFENDANT**

**BARNABAS MUTWIRI KINOTI.....2ND DEFENDANT**

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

This matter came up for directions on 27.11.2014. The parties presented a consent which they prayed the Court to adopt as the Judgment of the Court. The consent is in the following terms:

**“By consent of the parties and their Advocates herein, the Notice of Motion dated 20th November, 2014, the main suit and the counter-claim be settled in the following terms:**

***1. The Deputy Registrar's Order of eviction against the Plaintiff of 30th October, 2014 but issued on 13th November 2014 be and is hereby set aside and vacated.***

***2. The Plaintiff do vacate land parcel No. NKUENE/KATHERA/400 in the following format and times;***

***(a) Over the area the Plaintiff has planted potatoes after two (2) months and immediately upon harvesting the potatoes that is to say by 1st February, 2015.***

***(b) Over the area where the Plaintiff has planted finger millet after three (3) months that is to say by 1st march 2015.***

***(c) To remove the Zero grazing unit, cows and vacate the area the Plaintiff has planted nappier grass after six (6) months that is to say by 1st June, 2015 and remove all moveables from the main house.***

***(d) The 2nd defendant shall be left with the main house and the store but pay a consideration for the same of Kshs.2,000,000/= (Kenya Shillings Two Million) only to be paid to the Plaintiff on or before 31st January 2015.***

***(e) Each party to bear his own costs.***

***(f) This order be served upon the Officer Commanding Police Station (OCS) Nkubu and M/S VIEW LINE AUCTIONEERS for compliance with No (a) above.***

***(g) That in default of the foregoing execution to issue forthwith.”***

The consent is signed by Kiautha Arithi & Co. Advocates for the plaintiff and Muia Mwanzia & Co. Advocates for the Defendants and is dated 25.11.2014. The consent is adopted as a Judgment of this Court. The suit is marked as settled and fully determined and parties may not bring it back to Court.

It is so ordered.

**Delivered in Open Court at Meru this 27th day of November, 2014 in the presence of:**

Cc Arimi

Thibaru for the Plaintiff

Mwanzia for the Defendants

**P . M. NJOROGI**

**JUDGE**