



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Civil Case 456 of 2004

THE REGISTRAR TRUSTEES OF DIOCESE OF MT. KENYA

SOUTH ANGLICAN CHURCH OF KENYA PLAINTIFF

VERSUS

CHARLES WACHIRA NGUNDO DEFENDANT

RULING

1. This is a ruling on pre-trial directions as to the issues for trial in this case. The suit was commenced by a Plaintiff filed on 13th August, 2004. The Defence was filed on 21st October, 2004. The parties failed to agree on the issues for trial.

2. Having studied the pleadings herein, these are the issues for trial:-

a) Was there an agreement between the Plaintiffs and the Defendant for the latter to act as an agent of the Plaintiff to facilitate purchase of a property?

b) If so, was it a condition of that agreement that the Defendant would procure loans for the said purchase in pursuance thereof?

c) Did the Plaintiff execute a Sale Agreement to purchase LR No.11781/9 in 1997 for Kshs.32million?

d) For what purpose was the sum of Kshs.11,958,000/- paid to the Defendant by the Plaintiff?

e) Is the Defendant indebted to the Plaintiff in the sum of Kshs.7,625,000/- out of the sum of Kshs.11,950,000/- paid to him?

f) Was the amount paid to the Defendant borrowed at interest of 29% p.a. from Barclays? If so, was the Defendant aware of that fact?

g) If there is any monies due from the Defendant to the Plaintiff, at what rate of interest?

h) What orders as to costs?

With this, the court is to give a certificate of compliance for trial.

DATED and DELIVERED at Nairobi this 19th day of April, 2013.

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A. MABEYA
JUDGE