



Blue Sky Studios & Media Centre v The Registered Trustees Of The Agricultural Society Of Kenya T/A The Nairobi International Trade Fair (Environment & Land Case 31 of 2014) [2022] KEELC 2958 (KLR) (16 June 2022) (Judgment)

Neutral citation: [2022] KEELC 2958 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 31 OF 2014**

LN MBUGUA, J

JUNE 16, 2022

BETWEEN

BLUE SKY STUDIOS & MEDIA CENTRE PLAINTIFF

AND

THE REGISTERED TRUSTEES OF THE AGRICULTURAL SOCIETY OF KENYA T/A THE NAIROBI INTERNATIONAL TRADE FAIR DEFENDANT

JUDGMENT

1. By consent it is hereby agreed between the parties that this case be marked as “settled” on the following terms:-
2. The plaintiff shall absorb the cost of any consultancy services incurred in design of the studios that had been proposed for the suit premises;
3. The defendant shall refund the rent for one year out of the rent paid for the two (2) years in advance by or on behalf of the plaintiff in respect of the suit premises. For the avoidance of doubt, the defendant will refund the rent paid in the second year of the tenancy (2012) to Blue Sky Films (EPZ) Limited and the same will be applied towards and credited to the rental account for plot no A14 currently leased and occupied by Blue Sky Films (EPZ) Limited from the defendant;
4. The defendant shall only consider implementing the Jamhuri Park Master Plan on or as regards plot A14 only after at least five (5) years have elapsed with effect from December 1, 2021;
5. The ASK shall grant Blue Sky Films (EPZ) Limited a 5-year Lease for plot no A14 with effect from December 1, 2021. ASK shall take no steps to terminate the said lease during its five (5)-year term except as provided for in the lease;



6. ASK will offer Blue Sky Films (EPZ) Limited a considerate rental increment of 15% after every two (2) years of the lease term with effect from the Lease commencement date;
7. Upon the defendant and Blue Sky Films (EPZ) Limited duly executing the aforesaid five (5)-year Lease, the Advocates on record for the respective parties in this matter shall file this consent on the court's case record and adopt the same as an order of the court at the earliest mention date of the matter following the date of filing of this consent;
8. Upon the filing of this consent on the court record and adoption of the same as an order of the court as aforesaid, the defendant shall hand over vacant possession of the suit premises to the defendant for the defendant's own use;
9. Each of the parties shall bear its own costs.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16TH DAY OF JUNE 2022 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Misaro for the Plaintiff

M/s Katana holding brief for Kithi for the Defendants

Court Assistant: Eddel Barasa

