

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MERU

CIVIL SUIT 30 OF 2001

CHARLES NJIRU JOHNPLAINTIFF

VERSUS

CO-OPERATIVE BANK OF KENYA LTD DEFENDANT

RULING

This matter came before me in form of a mention, the issue being whether the consent which was recorded by the parties compromised the entire suit. Both counsel submitted their respective positions with counsel for the plaintiff maintaining that the suit was wholly compromised with the issue of costs being the only outstanding matter.

However, counsel for the defendant argued that the defendant's counterclaim has not been affected by the consent.

I have now had the opportunity to consider these submission and to peruse the file. It is abundantly clear to me that the controversy cannot be resolved in the manner it was approached. It calls for a formal approach by any party who feels aggrieved by the consent order. Such party may file an appropriate application to be canvassed and the court to determine the controversy on merit.

It is so ordered.

DATED AND DELIVERED AT MERU THIS 8th DAY OF JUNE, 2007.

W. OUKO

JUDGE