

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI COMMERCIAL COURTS)
Civil Suit 111 of 2005

NIRAV AGENCIES LIMITED.....

PLAINTIFF

VERSUS

**THE PERMANENT SECRETARY IN CHARGE OF PROVINCIAL ADMINISTRATION &
NATIONAL**

SECURITY OFFICE OF THE PRESIDENT.....1ST

DEFENDANT

THE ATTORNEY GENERAL.....2ND

DEFENDANT

R U L I N G

The plaintiff filed a claim for kshs 16, 904, 000 plus costs and interest against the defendants. The defendant filed appearance and defence. The defendants thereafter settled the plaintiff's principal claim of kshs 16, 904, 000 but failed to pay the costs and interest.

The plaintiff now have moved this court by way of Notice of Motion brought under O. 24 R 6 seeking an order that the compromise be recorded and judgment be entered for the plaintiff.

The defendants did not oppose the application nor was there any attendance on their behalf.

I have considered the application dated 28th February 2006, and the affidavit in support and I find the prayers thereof are merited.

The orders of this court are: -

- (1) That judgement be and is hereby entered in favour of the plaintiff as prayed in the plaint amended on 10th may 2005.**
- (2) That he defendant be given credit for the amount paid to the plaintiff as follows**
 - (i) Kshs 11, 754, 000 paid on 27.6.2005;**
 - (ii) Kshs 51, 150, 000 paid on 30.6.2006.**
- (3) The plaintiff is granted costs of the Notice of Motion dated 28th February 2006.**

MARY KASANGO

JUDGE

Dated and delivered this 4th May 2006.

MARY KASANGO

JUDGE