

IN THE HIGH COURT OF KENYA AT KISII

CIVIL SUIT NO.394 OF 1994

ERNEST IMBOBA JUDGMENT

CREDITOR/RESPONDENT

VERSUS

LAKE BASIN DEVELOPMENT AUTHORITY JUDGMENT

DEBTOR/APPLICANT

RULING:

I have carefully considered the application and the reply thereto. The applicant seeks to be allowed to settle the decretal amount in monthly installments of shs.100,000/=. As submitted by counsel for the respondent the parties entered into a consent agreement way back on 15th October 2003 whereby the applicant/defendant was to settle the decretal amount by monthly installments of shs.300,000/=. Judgment in this case was entered way back on 30th April 2002 over 2 years ago. Applicant has not paid any part of the decretal sum.

I feel his prayer to pay the decretal amount by installment of shs.100,000/= per month is unreasonable and as such their prayer is rejected. I instead order and direct that they settle the decretal amount as earlier agreed with monthly installments of shs.300,000/= per month with effect of 30th June 2004. In default execution to issue.

It is so ordered.

KABURU BAUNI

JUDGE

15/6/04

Mr. Maisiba for Mr. Mudeyi

Mr. Ondika for Mr. Soire for Mr. Owino

KABURU BAUNI

JUDGE