

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

H.C.C.CIVIL CASE NO.2109 OF 1996

NATIONAL INDUSTRIAL CREDIT BANK LTD PLAINTIFF

VERSUS

MICHAEL WANGONDU GITHUMBI DEFENDANT

R U L I N G

The claim in this suit was conceded by the defendant. Judgment entered in favour of the Plaintiff for Shs.422.876/= and on 26th February, 1999 a consent order was recorded on the mode of payment. On 18/1/2000 another consent order was recorded in which the defendant was to pay Shs.50,000/= forthwith and another Shs.50,000/-. On 15/2/2000.

It was further agreed that a mention could take place on 22/3/2000 whereby the parties were to agree and record a further consent on terms of repayment.

But unfortunately the matter was not listed as agreed on 22/3/2000. The matter was listed for NTSC which is still pending, but a W/A had issued and the amount shown there in was Shs.82,775.70 Which is the subject matter of this application.

The applicant claims that his W/Attachment was regularly issued counsel for the Respondent/Plaintiff concedes that the said W/Attachment was irregularly issued and that he never applied for the same.

The Respondent having conceded that the W/Attachment was irregularly issued. I grant the orders sought and the W/Attachment issued against the applicant/defendant are generally lifted. I make a further order that the parties do fix a mention date for the purpose of recording a consent order as to the terms of payment.

Order accordingly

Dated and delivered at Nairobi this 28th day of July, 2000

J.L.A. OSIEMO

JUDGE