



**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NAIROBI  
CIVIL CASE NO. 1488 OF 1998**

**HANNAH MUMBI KOMO.....PLAINTIFF**

**-VERSUS-**

**LEONARD NJOGU NJAU T/A**

**KINYANJUI & NJAU ADVOCATES.....DEFENDANTS**

**JUDGEMENT**

The Plaintiff has filed an Originating Summons asking for the balance of money from the Defendants being a sum of shs.260,000/- There is enough evidence that the Defendants were paid the sum of Shs. 1.2 million by the Plaintiff's employers to enable her purchase a plot from Mr. Hezron Kuria Kagone. The evidence shows that following the request by the vendor by his letter of 21.11.1997 the Defendant was authorised to pay the money to the Plaintiff so that she can pay the vendor since the vendor did not have a bank account. There is also evidence that the advocates following these instructions did pay to the Plaintiff a total sum of Shs.900,000 which was passed to the vendor leaving a balance of Shs.300,000/-. The Plaintiff in her evidence said that the agreed fees between her and the Advocate was Shs.40,000. She had to borrow more money from her Co-operative Society to finalise the purchase. I have examined all the documents produced by the Plaintiff and find that they do confirm her evidence which I accept. The Defendant does not deny having received the money.

I therefore find that the Plaintiff has proved her case. There will be judgement for the plaintiff for the sum of Shs.260,000.- The Plaintiff shall be paid costs of the suit and interest.

**Delivered and dated this 21st day of November, 2000.**

**KASANGA MULWA**

**JUDGE**