



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ENVIRONMENT AND LAND CASE NO. 62 OF 2017**

**FORMERLY MERU ENVIRONMENT AND LAND CASE NO. 104 OF 2015**

**AGNES MUTHONI NYAGA.....1<sup>ST</sup> PLAINTIFF**

**EVRIKER KARIMI NKARI.....2<sup>ND</sup> PLAINTIFF**

**HELLEN NKATHA NKARI.....3<sup>RD</sup> PLAINTIFF**

**CHRISTINE KANJIRU NKARI.....4<sup>TH</sup> PLAINTIFF**

**VERSUS**

**ALICE C. ALEXANDER.....1<sup>ST</sup> DEFENDANT**

**ALBERT MUGENDI NKARI.....2<sup>ND</sup> DEFENDANT**

**FRANKLINE KIRIMI NKARI.....3<sup>RD</sup> DEFENDANT**

**PETER MURIMI.....4<sup>TH</sup> DEFENDANT**

**JOLINE MUTHONI GACHUNKI.....5<sup>TH</sup> DEFENDANT**

**RULING**

1. On **7<sup>th</sup> June, 2021**, the parties in this suit presented a consent which they asked the court to adopt as its order. The consent is in the following terms:

“By consent of both counsels for the Plaintiffs/Applicants & the Defendants/Respondents the parties do hereby consent:-”

a. That a res-survey be conducted on Land Parcel Karingani/Ndagani/4758 for the purposes of implementing the decree of this Honourable court dated the **31<sup>st</sup> July, 2018**.

b. That the court do order the county surveyor to re-survey the said land parcel but the costs be met by all the parties.

c. That the **4<sup>th</sup> & 5<sup>th</sup>** Defendants/Respondents do remain in their respective  $\frac{1}{4}$  parcels of land which is occupied by both parties that is despite the re-survey process.

d. That each party shall bear the costs of stamp duty for the purposes of acquiring their respective title deeds.

e. The two Applications be marked as withdrawn with no orders as to costs.

**Dated the 7<sup>th</sup> day of June, 2021.**

Kiogora Arithi & Associates.

Advocates for the Plaintiff.

Kijaru, Njeru & Co. Advocates,

Advocates for the Defendants.

2. The consent was properly signed by the advocates who represented the parties.
3. The consent is adopted as an order of this court.
4. It is so ordered.

**DELIVERED IN OPEN COURT AT CHUKA THIS 7<sup>TH</sup> DAY OF JUNE, 2021 IN THE PRESENCE OF:**

CA: Ndegwa

Kiogora Arithi for the Plaintiffs

M/s Kijaru for the defendants

**P. M. NJOROGE,**

**JUDGE.**