



**Kigutha Farmers (K) Limited v Mburia t/a Kabaki & Company Advocates (Commercial Case E019 of 2024) [2024] KEHC 15152 (KLR) (2 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15152 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
COMMERCIAL CASE E019 OF 2024  
DO CHEPKWONY, J  
DECEMBER 2, 2024**

**BETWEEN**

**KIGUTHA FARMERS (K) LIMITED ..... PLAINTIFF**

**AND**

**NANCY KABAKI MBURIA T/A KABAKI & COMPANY  
ADVOCATES ..... DEFENDANT**

**RULING**

1. This matter is for mention for parties to confirm compliance of directions issued on 15<sup>th</sup> November, 2024.
2. However, upon listening to both counsel for the parties herein, Consent dated 29<sup>th</sup> November, 2024 as between the counsel for the parties herein be and is hereby adopted as an order of this Court in the following terms:-

By Consent, the Notice of Motion and Originating Summons both dated 1<sup>st</sup> October, 2024 be and are hereby marked as settled on the following terms:-

1. That the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs do pay to the Defendants forthwith and in any event, within forty-eight (48) hours of recording this Consent Order, the sum of Kenya Shillings, Ten Million only (Kshs.10,000,000.00) in cleared funds to the following Defendants Bank Account:-
2. Upon the transfer and receipt of the funds in Clause 1 above by the Defendants, the defendant shall within twenty-four (24 hrs) release to the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs' advocates the following documents;
  - a. The original conveyance over Land Reference No.3737.
  - b. The original conveyance over Land Reference No.5839/1.



- c. The original transfer and counterpart for the Land Reference No.59839/1 in favour of the 2<sup>nd</sup> Plaintiff.
  - d. All stamp duty receipts and exemptions (if any) for the transactions of the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs.
3. Upon compliance with Clauses 1 and 2 above, the matter shall be marked as settled.
  4. In default of compliance by any party with the aforementioned orders, the affected parties be at liberty to apply for any orders, to execute and or enforce the court orders as the case may be.
  5. Each party shall bear their own costs of the suit and application.

It is so ordered.

**THIS CONSENT ORDER IS ADOPTED, DATED AND SIGNED AT KIAMBU THIS 2<sup>ND</sup> DAY OF DECEMBER, 2024.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

Mr. Kithinji holding brief for Mr. Allen Gichohi counsel for the Plaintiffs

Mr. Kimani holding brief for Mr. Elijah Mwangi counsel for Defendant/Respondent

Court Assistant - Martin

