



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO.107 OF 2008 (OS)

JAMES KIMATHI RIUNGI..... PLAINTIFF

VERSUS

PATRICK MUTHURI.....2ND DEFENDANT

R U L I N G

This application is dated 9th March, 2015. It seeks orders:

1. ***THAT this Honourable Court be pleased to grant the defendants leave to file their defence and counter-claim.***
2. ***THAT the attached draft statement of Defence and counter-claim be deemed as filed and served in the circumstances SAVE to pay the necessary court filing fees.***
3. ***Costs of this application be costs in the same.***

The application is buttressed by the supporting affidavit of Patrick Muthuri, the 2nd defendant. It has the following grounds:

1. ***The defendants intend to raise a claim for damages namely profits, eviction order and permanent injunction against the plaintiff.***
2. ***The said defence and counter-claim is necessary to determine the dispute with finality against the parties and to avoid a duplication of suits arising from the same subject matter.***

On 6.10.2015, the parties presented to Court a consent which they urged the court to adopt as its order.

The consent is in the following terms:

“By consent of both parties, the application dated 9.3.2015 be and is hereby allowed and the applicant to pay the respondents thrown away costs agreed at Kshs.6000/= before filing the intended defence and counter-claim”

The consent is adopted as an order of this court.

Costs shall be in the cause.

Delivered in Open Court at Meru this 6th day of October, 2015 in the presence of:

Cc. Lilian/Daniel

Akwalu h/b Gikunda Anampiu for Plaintiff

Riungu for the Defendant

P. M. NJOROGE

JUDGE