

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
COMMERCIAL & TAX DIVISION
HCCC NO. E014 OF 2025

THAMES ELECTRICALS LIMITED..

.....
PLAINTIFF

VERSUS

**LED POWER TECHNOLOGIES EA (K)
LIMITED.....**

.....DEFENDANT

RULING

Adopting a consent

1. The defendant's notice of motion dated 17.3.2025, sought the setting aside of the interlocutory judgment and stay of all consequential orders therefrom. As a consequence, the defendant also sought leave to file the draft defence annexed and that the matter to proceed *de novo*.
2. The application is expressed to be brought under **Order 10 Rule 11 of the Civil Procedure Rules** and is supported by an

affidavit sworn by the applicant's director,
Robert Kimani Kuria on 17.3.2025.

3. However, whilst the matter was pending ruling, by a letter dated 13.10.2025, the parties requested that a consent be recorded in accordance with the terms set out thereunder.
4. A court of law should ordinarily adopt a consent by the parties, except where it finds, inter alia, that the consent was procured by fraud, collusion, misrepresentation, or mistake or the consent is contrary to the Constitution, written law or public policy or a party lacked capacity or the legal counsel lacked authority to enter the consent or the consent was not based on sufficient facts. These are also some of the grounds for setting aside a consent.

5. None or more of these grounds have been claimed or shown to exist in respect of this consent. Accordingly, the consent dated 13.10.2025 is adopted as an order of this court.

**Dated, signed and delivered at Nairobi
this 22nd day of January, 2026 through
Microsoft Teams online application**

F. Gikonyo M

Judge

In the presence of:

Ms. Munyogu for Ms. Kendi for Plaintiff

Ms. Gathogo for defendant

CA- Godfrey