

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MISCELLANEOUS APPLICATION NO. E738 OF 2025**

**BOKISA MALETO .....**

**APPLICANT**

**VERSUS**

**MOGO AUTO LIMITED .....**

**RESPONDENT**

**RULING**

1. This matter came before the Court for determination of the Applicant's Notice of Motion dated 22nd July 2025, together with the respective submissions filed by the parties.
2. Upon perusal of the court record, it is evident that the parties subsequently entered into and filed a Consent dated 2nd December 2025, duly executed by their respective advocates on record.
3. The said Consent sets out the agreed terms of settlement between the parties, including:
  - i. payment by the Applicant of a one-off settlement sum of **Kshs. 110,000** by instalments;
  - ii. discharge of the Applicant's loan account and release of the logbook upon full payment;

- iii. acknowledgment that the settlement constitutes a full and final settlement of all disputes relating to the subject motor vehicle and loan account; and
  - iv. an agreement that each party shall bear its own costs.
4. A consent judgment or order has the force of a contract between the parties and, unless obtained by fraud, collusion, mistake, or misrepresentation, it is binding and enforceable by the Court.
5. There being no challenge raised against the validity of the Consent, and the same being clear, lawful, and voluntarily entered into by the parties, I find that the issues which were pending determination before this Court have been fully settled.
6. In the premises, I make the following orders:
  - i. The matter is hereby marked as settled in its entirety in terms of the Consent dated 2nd December 2025.
  - ii. The said Consent is adopted as an order of the Court.
  - iii. The Notice of Motion dated 22nd July 2025 is marked as spent.
  - iv. Each party shall bear its own costs, as agreed.
7. It is so ordered.

**DATED, SIGNED, AND DELIVERED AT NAIROBI**

**THIS 17<sup>TH</sup> DAY OF APRIL 2026**



HON. MR. JUSTICE MOSES ADO  
*Judge of the High Court*

In the presence of: -

*C/A - Moses*

*N/A..... for the Applicant*

*Ms. Kavai..... for the Respondent*