



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CASE NO. 116 OF 2017

FORMERLY MERU HCC NO. 83 OF 2009

CHARLES NYAGA & ANO.....PLAINTIFFS

VERSUS

CHARLES NJAGI & ANO.....DEFENDANTS

CONSENT JUDGMENT

1. In their plaint dated 1st July, 2009, the plaintiffs pray for judgment against the defendants jointly and severally for:

- a) A declaration that the 1st defendant is holding L.R. No. Muthambi/Lower-Karimba/1604 in trust for the plaintiffs.
- b) A declaration that L.R. No. Muthambi/Lower-Karimba/1604 is the property of the plaintiffs.
- c) An order of cancellation of the 1st defendant's name from the Register of L.R. No. Muthambi/Lower-Karimba/1604.
- d) An order of injunction restraining the defendants from disposing of, transferring or in any way interfering with the plaintiffs' occupation and use of L.R. No. Muthambi/Lower-Karimba/1604.
- e) Costs and interest
- f) Any further or better relief this honourable court may deem fit to grant.

2. On 30th April, 2018 the parties proffered a consent in the following terms.

THE DEPUTY REGISTRAR,

CHUKA LAW COURTS,

P. O. BOX 73-6040,

CHUKA

Dear Sir/Madam,

RE: CHUKA ELC NO. 116/2017

CHARLES NYAGA & NICHOLAS MWITI

VERSUS

CHARLES NJAGI M'KANGA & MARIKO KAMUNDE

Kindly record the following consent order,

THAT;

“By consent of all the parties herein the plaintiffs’ suit against the defendants be and is hereby marked as fully settled with no orders as to costs”.

DATED AT CHUKA THIS 3RD DAY OF APRIL, 2018

We so consent.

Charles Nyaga

1st plaintiff

Nicholas Mwiti

2nd plaintiff

Charles Njagi M’Kanga

1st defendant

Mariko Kamunde

2nd defendant

3. Through his identity card No. [particulars withheld], the court confirmed the identity of the 1st plaintiff, Charles Nyaga. The 2nd plaintiff, Nicholas Mwiti’s identity was confirmed through his identity card No. [particulars withheld].

4. The 1st defendant, Charles Njagi M’Kanga was identified through his identity card No. [particulars withheld]. The 2nd defendant Mariko Kamunde was identified through his identity Card NO. [particulars withheld].

5. The court notes that the 1st and 2nd plaintiffs on 3rd April, 2018 filed a notice of intention to act in person in place of the firm of Maitai Rimita & Co. Advocates. It also notes that the 1st and 2nd defendants on 3rd April, 2018 filed a notice of intention to act in person in place of the firm of P. M. Mutani & Co. Advocates.

6. The plaintiffs asked the court that the suit be marked as withdrawn and settled with the effect that the 2nd defendant, MARIKO KAMUNDE, would remain legal owner of Land Parcel No. MUTHAMBI/LOWER-KARIMBA/1604.

7. The defendants agreed with the plaintiffs request.

8. The parties' consent dated 3rd April, 2018 and filed in court the same day is hereby adopted as an order of the court. As a consequence, it is ordered as follows:

a) This suit is marked as withdrawn with no order as to costs.

b) For avoidance of doubt, it is declared that land Parcel No. MUTHAMBI/LOWER-KARIMBA/1604 rightly and legally belongs to MARIKO KAMUNDE, the 2nd defendant.

Delivered in open court at Chuka this 30th day of April, 2018 in the presence of:

CA: Ndegwa

Charles Nyaga – 1st plaintiff

Nicholas Mwiti – 2nd plaintiff

Charles Njagi – 1st defendant

Mariko Kamunde – 2nd defendant

P.M. NJOROGE

JUDGE