



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
CHUKA ELC CASE NO 127 OF 2017
FORMERLY MERU ELC CASE NO. 62 OF 2016
MIRITI MBUI MUTHARA.....PLAINTIFF
VERSUS
SIDIAN BANK LIMITED.....1ST DEFENDANT
ANTHONY LEWIS KIMATHI T/A.....2ND DEFENDANT
LEWTON VENTURES.....3RD DEFENDANT
REGENT AUCTIONEERS.....4TH DEFENDANT

RULING

1. The parties in this suit proffered a consent dated 5th December, 2017 which they asked the court to adopt as its order.
2. The consent is in the following terms:

CONSENT ORDER

BY CONSENT: It is hereby AGREED and Ordered as follows:

1. That the Notice of Motion by the Plaintiff dated 27th May, 2016 be and is hereby marked as settled.
2. That the loan amounts to be repaid to the 1st defendant by the plaintiff has been mutually agreed at Kshs.8,000,000/=.
3. That the plaintiff to be at liberty to settle the agreed sum of Kshs.8,000,000/= in full and final settlement of his liabilities with the 1st defendant.
4. That the plaintiff be and is hereby allowed to source for a buyer for either or all his properties; MAGUMONI/THUITA/777, MAGUMONI/ITUGURURU/427 & MAGUMONI/ITUGURURU/2034 so as to offset the agreed loan balances of Kshs.8,000,000/=
5. That the 1st defendant is also at liberty to source for a buyer for the said properties;

MAGUMONI/THUITA/777, MAGUMONI/ITUGURURU/427 &
MAGUMONI/ITUGURURU/2034 so as to offset the agreed loan balances of Kshs.8,000,000/=.

6. That this consent order to be in force for a period of 6 months from the date hereof after which the loan facility owed by the plaintiff shall revert to earning interest at the prevailing commercial rates.

7. That this suit to be mentioned within the next 60 days to confirm compliance with these orders.

DATED THIS 5TH DAY OF DECEMBER, 2017

SIGNED: BASILIO GITONGA, MURIITHI & ASSOCIATES,

ADVOCATES FOR THE PLAINTIFF.

P. M. MUCHIRA & CO

ADVOCATES FOR THE 1ST & 3RD DEFENDANTS

3. The consent is adopted as an order of this court.

4. Parties to come to court for directions on 27.2.2018.

5. It is so ordered.

Delivered in open court at Chuka this 5th day of December, 2017 in the presence of:

CA: Ndegwa

Mark Muriithi for the plaintiff

Rurige for 1st and 3rd defendants

P.M. NJOROGE

JUDGE