



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

CASE NO 27 OF 2016

VINCENT MUGAMBI IKAIGA.....PLAINTIFF

VERSUS

ESTHER NJOKI KIMATHI.....DEFENDANT

J U D G M E N T

1. The Plaintiff in his Complaint dated 18th April, 2016 seeks Judgment against the Defendant for:-
 - i. ***An Order for specific performance of the agreement dated 20.01.2014 for transfer of land parcel Number ABOGETA/L-CHURE/970 to the Plaintiff or in the alternative refund of the purchase price.***
 - ii. ***Damages for breach of contract.***
 - iii. ***Costs of the suit.***
 - iv. ***Any other relief.***

2. On 10/05/2016, the parties proffered a Consent which they asked the Court to adopt as its order. The Consent, dated 10/05/2016, is in the following terms:-

“ Kindly record the following Consent:

By consent of the parties and their respective Advocates this matter be marked as settled in the following terms:

- a. ***The Defendant shall refund the Plaintiff a sum of Kshs. 400,000 on or before 31st August, 2016 being the purchase price already paid to her and the agreement for the sale of land dated 20th January, 2014 between the parties herein shall be rescinded henceforth.***
- b. ***As security for payment of the sum of Kshs. 400,000 an order of inhibition be placed over land parcel Number Abogeta/L-Chure/1675 which inhibition shall be lifted immediately the sum of Kshs. 400,000 is paid.***
- c. ***All inhibitions registered against land parcel number Abogeta/L-Chure 1676 and 1677 be lifted forthwith.***
- d. ***The matter be mentioned on 1st September, 2016 to confirm compliance.***
- e. ***The consent be adopted as an order of the court.***

3. I am satisfied that the Consent has been properly executed by the Advocates representing the parties. The terms of the Consent have been read out to the parties who have intimated concurrence.

4. The Consent is hereby adopted as an order of this Court.

5. In terms of paragraph b of the Consent, it is ordered that an inhibition be placed against land parcel Number Abogeta/L-CHURE/1675 which inhibition shall be lifted immediately the sum of Kshs 400.000/= is paid to the Plaintiff.
6. Parties to bear own Costs.
7. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 19TH DAY OF MAY, 2016 IN THE PRESENCE OF:-

CC: Lilian/Daniel

Mutuma for Defendant

Mwirigi h/b Ringera for Plaintiff

P.M.NJOROGE

JUDGE