



**Marina Homes Limited v Muturi & another (Civil Case  
E001 of 2025) [2025] KEHC 3813 (KLR) (26 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3813 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CIVIL CASE E001 OF 2025  
DO CHEPKWONY, J  
MARCH 26, 2025**

**BETWEEN**

**MARINA HOMES LIMITED ..... PLAINTIFF**

**AND**

**LUCY WANGUI MUTURI ..... 1<sup>ST</sup> DEFENDANT**

**CHABRIN AGENCIES LIMITED ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. The matter is for mention for parties to confirm compliance of directions issued on 29<sup>th</sup> January, 2025 on the Notice of Motion application dated 27<sup>th</sup> January 2025.
2. Upon listening to both counsel for the parties herein, the Consent dated 12<sup>th</sup> March, 2025 be and is hereby adopted as an order of this Court in the following terms:-

“By Consent of The Parties;

1. That Summary Judgment pursuant to Order 36 Rules I and 5 of the Civil Procedure Rules 2010 be and is hereby entered in favour of the Plaintiff for an all-inclusive sum of Kenya Shillings Seventy-Two Million, Two Hundred and Seventy Thousand Only (Kshs.72,270,000.00) against the Defendants herein jointly and severally.
2. That the Defendants herein jointly and severally undertake to pay the decretal sum of Kenya Shillings Seventy-Two Million, Two Hundred and Seventy Thousand Only (Kshs.72,270,000.00) to the Plaintiff and/or their Advocates on/or before close of business of 14<sup>th</sup> March, 2025 failure to which the Plaintiff be at liberty to execute the Judgment herein accordingly.



3. That in default to Clause 2 herein above by the Defendants jointly and severally, the Court do hereby invoke Order 23 Rule 4 and declare Co-Operative Bank of Kenya and Diamond Trust Bank (DTB;) Kenya Limited as Garnishees and consequently to proceed to release all sums equivalent to the decretal sum of Kenya Shillings Seventy-Two Million, Two Hundred and Seventy Thousand Only (Kshs.72,270,000.00) from the Defendants' Bank Co-Operative Bank of Kenya Account Number 01148039906100 and Diamond Trust Bank (DTB) Kenya Limited Account Number 0553886001, and any other account in the names of the Defendants.
4. That in default of Prayers 2 and 3 above respectively, the Court do hereby direct/order that the Plaintiff by themselves, and/or their agents/Auctioneers be and are at liberty to attach any other accounts or property belonging to the Defendants herein jointly and severally to settle the decretal sum in. clause 1 herein above to satisfy Judgment herein.
5. That the suit herein be marked as settled.

It is so ordered.

**CONSENT ADOPTED AT KIAMBU THIS 26<sup>TH</sup> DAY OF MARCH, 2025.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

Mr. Aywa counsel for Plaintiff

M/S Njeri counsel for Respondents

Court Assistant - Martin

