

DEBT CASE

Kenyatta family plea rejected

Court refuses to dismiss suit filed by KPCU over Sh80 million loan

By MARK AGUTU

Kenya Planters Co-operative Union was yesterday handed a lifeline in a case it has filed against a firm associated with the Kenyatta family over a Sh80 million debt.

The High Court turned down an application by Kagondo Estate Ltd seeking to have KPCU's case thrown out for want of prosecution.

Judge Onesmus Mutungi ruled he

would allow the case to continue for among other reasons, the interest of the farmers who constitute KPCU.

"Dismissal of a suit is a drastic action, which this court will not resort to lightly. In the present case, the defendant company (Kagondo) does not deny owing the plaintiff money. The only dispute is how much is owing," the judge said.

He added: "Of even greater importance to me and this court is the fact that the plaintiff company (KPCU) is composed of small-scale farmers who need all legal protection possible.

"I doubt whether the majority of those farmers really know what has been happening with their money loaned to the defendant company."

These grounds were sufficient for him "to show sympathy by way of justice in dismissing this applica-

tion," the judge said.

KPCU has 21 days to fix the suit for hearing, or else it will be dismissed.

Through lawyer Patrick Lutta, Kagondo had sought dismissal of the case, arguing, it was more than four years since KPCU took any steps to fix the hearing date.

Abuse of court

That duration was long, inexcusable, oppressive, expensive and prejudicial to it and also an abuse of the court process, Kagondo director Ann Muhoho said in her affidavit.

Mrs Muhoho took over the mantle at the firm from Mr Michael Muritu Muhoho, a brother of Mama Ngina Kenyatta and mother of Gatundu South MP Uhuru Kenyatta.

Kagondo took the loan during Mr Muritu's tenure as director. The case

started in 1994 with KPCU claiming Sh23 million from the estate for the loan it advanced it in 1989.

At the time the loan was attracting interest at the rate of 31.5 per cent. Despite demand and notice of intention to sue, Kagondo Estate failed to repay the loan, KPCU said.

KPCU is however arguing that they were still in out-of-court negotiations with the estate's management for a settlement and the issue of want of prosecution could not arise.

"The delay was not wilful or inordinate and is excusable," KPCU had argued in its defence filed by Ndung'u Njoroge and Kwach Advocates.

Mr Lutta said his client would contest yesterday's ruling in the Court of Appeal.

Top BAT man collapses and dies in hotel

By NATION Reporter

A senior British American Tobacco official collapsed and died in a city hotel on Tuesday night.

Anthony Thornton Faras, a 40-year-old Briton, and the West Africa BAT finance manager, had arrived in the country the previous day to attend the multi-national company's finance conference.

Police were yesterday holding two women who were said to have been with him when he died in his hotel room.

The body was transferred to Lee Funeral Home where a postmortem will be conducted.

Elsewhere, police in Machakos have arrested one man and are looking for another in connection with the murder of their wives in Kinanie Sub-location.

A 39-year-old man was arrested by police on Tuesday after he allegedly strangled and buried his estranged wife in a sand pit within Kivaa Village.

Decomposed body

The decomposed body of the 35-year-old wife, who had been missing since February 5th 2007, was found in a bush where she had gone to collect firewood.

She had been allegedly last seen arguing with her husband with whom they had had a domestic quarrel.

In the second incident, police are looking for a man after he allegedly battered his wife to death in Athi River's Nyota Mutiso area.

The 25-year-old woman's body was found in a pool of blood in her house with a deep cut on her head and a swollen face after a fight with her husband.

The man escaped after the incident and is being sought by police.

And a jilted father was arrested by police after he slit his son's throat when the mother went to take the four-year-old child from their Kalluma Village in Ngiluni Sub-location of Makueni.

The boy had been living with his father after the couple separated.

PROPERTY TUSSELE



Lawyer Cecil Mwee (right) talks to Ms Rehema Dida Jaldesa after the adjournment of a case in which she is fighting for the administration of the estate of former Moyale MP Guracha Galgalo, whom she claims was her husband. With them is Moyale MP Wario Malla Galgalo (centre), a brother of the MP, who died in a plane crash in Marsabit last April. Photo: ERUL WAWERU

Three should answer for theft, court is told

By NATION Correspondent

The State yesterday urged the court to put three people on their defence for allegedly stealing goods worth Sh18.5 million from a godown.

The State had sufficient evidence against the suspects, the prosecutor, Inspector Euyechus Mwangi, told the court.

Equip Agencies Ltd's caretaker, Naminbhai Bailalabha Dadi, received the goods and signed the documents, the court was told.

"There was no breakage into the godown and the caretaker was the one who had keys to it," said Mr Mwangi.

He spoke during a case in which Mr Bailalabha, his son Vipulkumar Naminbhai Dadi and Semrex Agencies guard Boniface Opiyo Owacha have denied stealing assorted printing paper at Equip Agencies in Industrial Area, Nairobi, between 2005 and June 29, 2005. The accused are out on bond. The court will give its ruling on March 12.

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