



**Juna v Anyiko (Tribunal Case E809 of 2023) [2024] KEBPRT 863 (KLR) (21 June 2024) (Ruling)**

Neutral citation: [2024] KEBPRT 863 (KLR)

**REPUBLIC OF KENYA**  
**IN THE BUSINESS PREMISES RENT TRIBUNAL**  
**TRIBUNAL CASE E809 OF 2023**  
**N WAHOME, CHAIR & JOYCE MURIGI, MEMBER**  
**JUNE 21, 2024**

**BETWEEN**

**ALLAN BEN JUNA ..... APPLICANT**

**AND**

**BETTY ANYIKO ..... RESPONDENT**

**RULING**

1. This Ruling is on the contested amount of monthly installment to be effected in repayment of the decretal amount herein and which has been agreed at Kshs.141,000/-. The Respondent/Landlord is seeking to settle the same in monthly installments of Kshs.11,900. On the other hand, the Tenant/Applicant is of the view that an amount of Kshs.20,000/- would be reasonable.
2. We appreciate that Kshs.115,000/- out of the decretal amount had been paid to the landlord in lumpsum. This was on the 5/7/2023. Today is a few days shy of an year since the said money was paid to the landlord. We also note that the Tenant requested for the refund of his money barely six (6) days after the same had been paid to the landlady in lumpsum but which request was not granted. This was after the parties agreement fell through.
3. From the foregoing, there is no logical explanation why the landlord never refunded the funds as requested and as per the understanding between the parties for almost an year now. It is our view that the proposal by the Tenant is merited and will allow the same.
4. In the final analysis we make the following orders:-
  - i. That the landlord shall settle the decretal amount at Kshs.141,000/- by monthly instalments of Kshs.20,000/- effective the 5/7/2024 and on the same date of each succeeding month until payment in full.
  - ii. That in the event of default, the Tenant will be at liberty to execute at the Respondents costs.Those are the orders of the court.



**RULING DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 21<sup>ST</sup> DAY OF JUNE, 2024.**

**HON. NDEGWA WAHOME MBS HON. JOYCE MURIGI**

**PANEL CHAIRPERSON MEMBER**

**BUSINESS PREMISES RENT TRIBUNAL**

