

..... The judgement.

This court for the reasons explained therefore enters judgement for the Plaintiffs against the 1st Defendant in the following terms; -

i) The Apartment A being the unit as depicted in Picture B in these proceedings shall be altered so as to comply with the zoning plan requirements for the area as to height being Ground plus two floors within 120 days of this judgement.

ii) Apartment B being the incomplete unit depicted in Picture H and Shall not be progressed and shall within 120 days of this judgment demolished by the 1st defendant to enable compliance with the zonal plan requirement on development area coverage of 50% as against the total acreage of parcel No. Kwale/Diani Beach/800 and 801.

iii) Cottage A being the unit in picture J far left shall be altered by demolishing the 3rd floor as developed by the 1st Defendant within 120 days of the date of this judgement.

iv) In the event that the 1st Defendant fails to cause the above orders to be implemented within 120 days, the orders shall be undertaken by the 1st Plaintiff under the supervision of the County Government of Kwale and NEMA at the expense of the 1st Defendant.

v) The Cottage unit in picture A shall be altered by maintaining the approved plan of Ground floor plan, first floor plan and the roof floor plan which shall only hold the 'high level storage water tanks'.

vi) The rest of the cottages shall retain the specifications as approved in

(v) above and shall proceed strictly as per the said approved plans and subject to mitigation as to waste disposal and management as required under EMCA.

vii) The Counterclaim is hereby dismissed with no orders as to costs.

viii) The 1st Defendant shall bear the costs of the main suit.

Dated and delivered via Email with consent of the parties this 21st Day
of December 2023