



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO. 16 OF 2014

BIRD'S PRINTERS, OFFICE STATIONERY &

EQUIPMENT LTD1ST PLAINTIFF

DOVETAIL LTD2ND PLAINTIFF

GIMCHAR LTD3RD PLAINTIFF

WAVETEC EZCO LTD4TH PLAINTIFF

VERSUS

NAIROBI CITY COUNCIL GOVERNMENT.....1ST DEFENDANTS

NAIROBI COUNTY SECRETARY.2ND DEFENDANTS

JUDGMENT

The plaintiffs are all legal entities by way of limited liability companies, who brought this suit jointly and severally against the two defendants for goods supplied and services rendered. The first defendant is the successor of the City Council of Nairobi while the 2nd defendant is the accounting officer. The plaintiffs' claims against the defendants are particularized in the amended plaint filed herein.

After the original plaint had been served upon the defendants a memorandum of appearance was filed but no defence to the claims was ever filed. The plaintiffs moved the court and obtained an interlocutory judgment followed by an order that the matter be listed for formal proof.

The hearing date was taken by consent but on the date of hearing the defence counsel did not appear. All the four plaintiffs gave evidence through their respective directors and set out their individual claims as set out in the amended plaint herein.

They produced documents related to the claims, copies of which are contained in the bundle of documents filed herein. The bundle contains the relevant documents relating to the legal entities of the plaintiffs, several documents relating to the contracts, the invoices, certificates of completion and all other material forming the basis of the individual claims. The plaintiffs performed their parts of the contracts timeously.

There is also evidence on record that demand had been made by the plaintiffs from the defendants to settle the claims but in blatant breach on the part of the defendants, this was not done. I observe at this stage that this is not the type of a case that should have reached the courts at great expense and consumption of judicial time. That notwithstanding, the plaintiffs are rightly before this court.

I have listened to all the four witnesses representing the plaintiffs and also perused their documents. In the absence of any rebuttal their testimonies remain uncontroverted. I am satisfied that they have established their individual claims against the defendants as prayed in the amended plaint. Accordingly there shall be judgment in favour of each of the four plaintiffs against the defendants jointly and severally for the sums set out in the amended plaint and established by the evidence adduced.

In the end I enter judgment in favour of each of the four plaintiffs against both defendants jointly and severally. The plaintiff shall also have the costs of the suit plus interest at court rates.

Damages for the nonpayment of the specified amounts are adequately compensated by way of interest already awarded. I note however, that the frustration visited upon the plaintiffs in pursuit of their rightful dues against the two defendants cannot be ignored. In that regard I award a further sum of Kshs. 50,000/= in favour of each plaintiff as general damages.

Orders accordingly.

Dated and delivered at Nairobi this 11th Day of December, 2014.

A.MBOGHOLI MSAGHA

JUDGE