

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (NAIROBI LAW COURTS)

Civil Case 455 of 2008

CATALYST CHEMICAL LTD PLAINTIFF

VERSUS

MR. NARINDER SINGH ROOPRA DEFENDANT

JUDGMENT

The matter came before me on the 19th of May, 2009 for formal proof. The plaint dated 15th October, 2008 was filed on the same date. On the 25th of November, 2008 an interlocutory judgment was entered against the defendant for failure to enter appearance and/or file a defence within the prescribed time.

The Plaintiff's claim is that it leased to the defendant the suit premises being L. R. Nos. 209/20325/8 and 209/10325/2 to the defendant from the 1st of July, 2004, initially at the rent of **Kshs.445,000/=** which was increased to **Kshs.500,000/=** from January, 2007 and **Kshs.556,000/=** from January, 2008. The Plaintiff claims further that since leasing the suit premises the defendant has not paid a single cent towards the rent.

The Plaintiff seeks for Judgment as against the defendant as follows -

- 1. An order that the Defendant be forcibly evicted from the suit property namely L. R. No. 209/10325/8 & L. R. No. 209/10325/2 Nairobi**
- 2. An Order the Defendant pays the Plaintiff all outstanding rent to be calculated.**
- 3. Costs of the suit.**

Mr. **Sreeram Nanayana**, the General Manager of the Plaintiff was called as the only witness of the Plaintiff. He informed the court that the defendant approached his employer to rent out the suit premises. He produced title documents for both parcels of land indicating that the Plaintiff is registered as proprietor as lessee from the government of Kenya for both parcels of land. He further informed the court that in the 1st 2 years rent for the suit property was agreed at **Kshs. 445,000/=** the 2nd year **Kshs.500,000/=** and thereafter rent was increased to **Kshs.550,000/=** That the defendant has failed to pay rent, currently the arrears stands at **Kshs.28,795,000/=**. That despite several demand notes and reminders sent to the defendant through letters, telephone call and/or emails the defendant has not made good the outstanding sums.

Having considered the evidence adduced by the Plaintiff which evidence was indeed not controverted, I find that the defendant is in default of rent arrears amounting to **Ksh.28,795,000/=** I therefore accordingly enter Judgment in favour of the Plaintiff as follows:-

- 1. That the Plaintiff be and is hereby granted orders to evict the defendant from the suit property namely L. R. No.209/10325/8 & L. R. No.209/10325/2.**
- 2. That the defendant do pay to the Plaintiff rent arrears amounting to Kshs.28.795,000/= being rent along and owing upto the month of May, 2009, and further rent accruing up to the date when**

the Plaintiff will take possession of the suit property.

3. Costs of this suit.

DATED and DELIVERED at Nairobi this 25th day of June, 2009.

ALI- ARONI

JUDGE