



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI (MILIMANI COMMERCIAL COURTS COMMERCIAL AND TAX DIVISION)**

**CIVIL CASE 339 OF 2005**

**MATRIX TECHNOLOGIES CO. LTD. ....  
PLAINTIFF**

**VERSUS**

**SHEILA KINYA MAINGI *t/a* RIZIKI COMMUNICATIONS  
..... DEFENDANT**

**R U L I N G**

The application for summary judgment under **Order 35 Civil Procedure Code**, the amounts claimed are stated and it is by cheque which was given and not paid by bank. It is now a criminal offence to issue cheques which are not supported by cash in the bank.

The defendant admits having issued these cheques and then says she stopped payment. The excuse she gives for stopping the payment is not satisfactory. She says she was in business with plaintiff for a long time. I find it not truthful to say that she did not know about the debt.

I find no merit in the statement of defence. I find no triable issue and I allow the application and grant orders as prayed with costs to the applicant.

It is so ordered.

**DATED, DELIVERED and SIGNED** this 16<sup>th</sup> day of July 2009.

**JOYCE N. KHAMINWA**

**JUDGE**