

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI MILIMANI LAW COURT

CIVIL CASE 1098 OF 2001

MON-CONS GENERAL CONTRACTORS LIMITED.....
....PLAINTIFF

VERSUS

BINLAW CONSTRUCTION CO. LIMITED.....1ST DEFENDANT

JOHN MOGUCHE ZACHARIA.....2ND DEFENDANT

R U L I N G

This ruling is further to the one dated 31st October 2005, which relates to the Notice of Motion dated 18th August 2005.

The judgment debtor by that application sought an order, or declaration of the court, that the decree hereof is satisfied fully. That application was based on the ground that the defendant; judgment debtor on payment of kshs, 2, 731, 214. 74, the figure contained in warrants of attachment dated 12th March 2004, satisfied the decree fully.

Because of conflicting submissions by both counsels on the amount due, the court ordered the registry staff to calculate the decretal amount, giving the credit of amount so far paid by the judgment debtor. The statement of amount due was prepared which stated that as at 31st December 2005 the amount due was kshs 320, 818. 26, which amount continues to attract interest.

Counsels in their submissions following the preparation of that statement did not address me on any mistake, if any, that was made by the registry staff in calculation of the decretal amount.

In the absence of contradiction of that statement the court's finding is as follows:

(1) That the decretal amount due herein as at 31st December 2005 is kshs 320, 818. 26 which amount continues to accrue interest as per the decree.

(2) There shall be no orders as to costs to the Notice of Motion dated 18th August 2005.

Orders accordingly.

MARY KASANGO

JUDGE

Dated and delivered this 13th March 2006

MARY KASANGO

JUDGE