



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Civil Case 728 of 2001**

**TARCISIO NJERU NAMU .....**  
**PLAINTIFF**

**-versus-**

**UNITED INSURANCE COMPANY LIMITED .....**  
**DEFENDANT**

**RULING**

Before me is a Notice of Motion dated the 11<sup>th</sup> September 2002 (and filed on the 23<sup>rd</sup> September 2002) in which the (an Plaintiff/Applicant seeks judgment against the Defendant/Respondent for KShs 110,995/- together with interest and costs as prayed in the Plaint filed on the nth May 2001.

The Motion is based on the two grounds therein and supported by the affidavit of Tarcisio Namu made on the 17<sup>th</sup> September 2002.

No Grounds of Opposition and/or Replying Affidavit have been filed on behalf of the Defendant/Applicant in opposition to the application. As a hearing notice had been duly served on the 8<sup>th</sup> September 2004, the Applicant proceeded *ex-parte* at the hearing of the Motion in the absence of the Respondent.

I have considered the Motion in light of the said affidavit, and in particular the contents of paragraphs 8 - 15 inclusive thereof, and of submissions of learned counsel for the Applicant. On the evidence presently before me and in the absence of any response of the Respondent rebutting the same, I will allow the application and order, as I hereby do, that orders in terms of prayers 1 and 3 of the Notice of Motion dated the 11<sup>th</sup> September 2004 be and are hereby granted.

Judgment and orders accordingly.

Dated and delivered at Nairobi this 22<sup>nd</sup> day of October 2004.

P. Kihara Kariuki

Ag. Judge