

IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL CASE NO. 214 OF 2001

TREADSETTERS TYRES LTD. PLAINTIFF

- VERSUS -

FEROZ & BROTHERS LTD. DEFENDANT

RULING

The plaintiff prays for judgement to be entered as against the Defendant for the sum of Kshs.523,288.60 on admission. The application by motion dated 21st June, 2001 is brought under the Provisions of order 12 rule 6 of the Civil Procedure Rules.

When the motion came up for hearing there was no appearance on the part of the defendant. After satisfying myself service of the application had been properly effected and an affidavit of service to that effect filed I proceeded to hear the same.

In support of the application is a statement of admission filed by the defendant on 15th June, 2001. At paragraph 2 the admission is specific for a sum of Kshs.523,288/= and in paragraph 3 they pray to be allowed payment by instalments.

There being no representation for the defendant and on the face of a glaring admission, I find no reason not to allow the application which I hereby allow with costs and interest to the plaintiff as prayed in the plaint

Dated and Delivered at Mombasa this 1st day of March, 2002.

P.M. TUTUI

COMMISSIONER OF ASSIZE