

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI COMMERCIAL COURTS
CIVIL CASE NO. 1768 OF 2000

C.F.C. BANK LTD. PLAINTIFF
VERSUS
DR. BENJAMIN N. OONGE DEFENDANT

JUDGMENT

The plaintiff's claim against the defendant is for Shs.1,939,412/= together with interest thereon at 4% per month from 31.10.1997 until payment in full. The claim arises from a Hire Purchase Agreement made on 24.8.1995 between the plaintiff on the one hand and the defendant on the other by virtue of which the plaintiff facilitated the acquisition by the defendant on a hire purchase, a motor vehicle registration number KAE 269Y at a price of Shs.7,377,426/=.

By the said agreement the defendant agreed to pay to the plaintiff by way of hire rentals for the motor vehicle the sum of Shs.2,426,778/= as an initial payment and thereafter 23 monthly installments of Shs.206,277/= and one final payment of Shs.208,277/= commencing on 9.9.1995 with an offer to purchase the motor vehicle at Shs.2,000,000/=

It is the plaintiff's claim that the defendant did not pay the installments as agreed and that the sum stated above is now due and payable. The defendant upon who a hearing notice had been duly served did not turn up in court on 1.3.2001 when this matter came up for hearing and the hearing proceeded ex-parte. On the basis of the evidence tendered by the plaintiff's witness, Naboth Orieko, I am satisfied, on a balance of probabilities that the defendant is truly indebted to the plaintiff in the sum claimed in the plaint. Accordingly, I enter judgment for the plaintiff against the defendant as prayed with costs.

Dated at Nairobi this 6th day of March, 2001.

T. MBALUTO
JUDGE