

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI COMMERCIAL COURTS

CIVIL CASE NO. 1804 OF 1999.

ZAHRA SPARES LIMITED.....1ST PLAINTIFF

VERSUS

FIDELITY COMMERCIAL BANK LTD.....2ND PLAINTIFF

J U D G M E N T

The Plaintiff did not appear at the hearing of this suit which was fixed for hearing by consent on the 11.12.2000. I therefore dismiss the Plaintiff's suit with costs. I am satisfied that having heard the evidence of Mr. Ohaga that the sum claimed in the counterclaim is due and give judgment for the sum claimed together with costs and interest thereon as prayed for.

Dated and delivered at Nairobi this 20th day of June, 2001.

PHILIP J. RANSLEY

COMMISSIONER OF ASSIZE.