

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI COMMERCIAL COURTS
CIVIL CASE NO. 1658 OF 2000**

**INTERCHEMIE E. A. LIMITED PLAINTIFF
VERSUS
NAKURU VETERINARY CENTRE LIMITED DEFENDANT**

JUDGMENT

The plaintiff, Interchemie E. A. Limited has instituted this suit against the defendant, Nakuru Veterinary Centre Limited, to recover the sum of Shs.1,161,883 plus interest thereon which said sum the plaintiff claims is due to it from the defendant in respect of assorted veterinary pharmaceutical products sold and delivered by the plaintiff to the defendant on diverse dates at an agreed cost shown in the respective delivery orders and invoices. The plaintiff avers that the total cost of the products was Shs.1,161,883/= and that in part payment thereof the defendant issued to the plaintiff its cheque No. 002127 dated 29.7.2000 for Shs.391,875/= which said cheque upon presentment to the defendant's bank was returned unpaid; Notice of the dishonour was given to the defendant.

Evidence in support of the plaintiff's claim was tendered by Fatuma Abdalla Awali (PWI), a director and general manager of the plaintiff company. That evidence revealed that the plaintiff company which deals in Veterinary products as a wholesaler and distributor and has its Head Office in Holland where the manufacturing of the items is done, delivered to the defendant the goods described in the plaint and at the prices shown therein. The evidence further showed that the price was agreed at the figures stated in the plaint, that the goods having been accepted by the defendant the sum claimed in the plaint is due and owing by the defendant to the plaintiff. No witness was called to testify on behalf of the defendant and, consequently, the evidence tendered on behalf of the plaintiff stands uncontroverted.

On the basis of that evidence, I am satisfied, on a balance of probability, that the defendant is indebted to the plaintiff in the sum claimed in the plaint. Accordingly, I enter judgment in favour of the plaintiff against the defendant for the sum of Shs.1,161,883/= plus costs and interest thereon at court rates.

Dated at Nairobi this 20th day of July, 2001.

T. MBALUTO

JUDGE