

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
H.C.CIVIL CASE NO.1544 OF 2000

JAGDISH PATEL T/A TANZSAVO PLAINTIFF
VERSUS
DR. M. A. FAZIL DEFENDANT

R U L I N G

Mr. Sharma no trouble were raised. The Plaintiff applies for summary Judgment on the grounds set out in his application and affidavit in support. The exhibits confirm a letter in which the Defendant's admits owing the sum claimed. In this affidavit in reply he claims that the admission is in his own handwriting. However the defence filed which amounts to a bare denial of the claim does not disclose a good defence to the Plaintiff's claim.

The affidavit in reply is complete departure in the defence as filed telling as it raise an elaborate story and claiming that the goods delivered were in an expired condition.

The Plaintiff has produced names and copies of cheques owed by the Defendant showing dealings between the parties.

Although a Defendant may show he has a good defence through an advocate where as in this case it is a total departure for the defence as it lacks credibility. I am satisfied that this is a case where the Defendant has not shown he has a reasonable defence to the Plaintiff's claims and I therefore give Judgment to the Plaintiff as claimed.

Dated and delivered at Nairobi this 16th day of October, 2001.

P.J. RANSLEY
COMMISSIONER OF ASSIZE