



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI COMMERCIAL COURTS**  
**CIVIL CASE NO. 1918 OF 2000**

**NATIONAL BANK OF KENYA LTD. PLAINTIFF**  
**VERSUS**  
**WILLIAM WAWERU WATENE DEFENDANT**

**RULING**

This is an application for summary judgment under 0. XXXV Rule 1 of the Civil Procedure Rules and Section 3A of the Civil Procedure Act. The application is supported by an affidavit sworn on 9th October, 2001 by N. M. Matheri the Branch Manager of the plaintiff's Bank, Kenyatta Avenue Branch.

The affidavit reveals that the defendant is truly and justly indebted to the plaintiff in the sum of Shs.977,069/30 which sum continues to attract interest at the rate of 30% per annum from 1st July, 2000.

I have looked at the defendant's defence filed herein and though it denies the sums claimed in the plaint, it is clear from the pleadings that the same is a mere sham which raises no triable issue at all. Indeed though the application was served upon the defendant, he did not file any replying affidavit or grounds of opposition. In the circumstances I am satisfied that the plaintiff is entitled to summary judgment as prayed in the application.

The application is therefore granted and judgment entered in favour of the plaintiff against the defendant for Shs.977,069/30 plus interest from 1st July, 2000 until payment in full.

Dated at Nairobi this 23rd day of November, 2001.

**T. MBALUTO**

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**JUDGE**