



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**HIGH COURT CIVIL CASE NO. 371 OF 1998**

**STANDARD CHARTERED BANK KENYA LIMITED.....PLAINTIFF**  
**VERSUS**  
**NEWKERM SUPPLIES COMPANY LIMITED.....DEFENDANT**

**JUDGMENT**

The plaintiff is praying for Judgment against the defendant on the grounds that the sum claimed is a liquidated demand. The defendant's replying affidavit paragraph 3 & 4 having been struck out leaves the defendant without any defence to the claim. I have read the plaint in particular paragraph 3 and note that the money claimed arose from an overdraft facility which the defendant has failed to repay.

The defence filed on 28th April, 1998 merely denies that any money is owed raises the question of negligence on the part of the plaintiff by alleging that the defendant was removing money from the defendants account without authority from the defendant. Such issues do not

amount to a defence to the claim and I find that the defence is a sham meant to delay the hearing of the suit.

There being no defence to the suit and no answer to the application, there will be judgment for the plaintiff as prayed in the plaint. Costs of the application and suit shall be paid by the defendant. Dated and delivered at Nairobi this 20th day of June, 2000.

**KASANGA MULWA**

**JUDGE**