

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 252 OF 1996

OLESOLIAN ENTERPRISES LTD. PLAINTIFF
VERSUS
JOSEPH MWANGI NGURE DEFENDANT

JUDGMENT

Joseph Mwangi Ngure was sued by the plaintiffs M/s Olesolian enterprises Ltd for a claim of Ksh.620,000 being the amount of moneys received by sales proceeds that belonged to the plaintiff.

The defendant, Joseph Mwangi Ngure entered appearance through his advocate and filed defence. He denied the allegations and went further to state that the plaintiff had forcefully taken a log book for his vehicle returned to him.

The plaintiff applied for summary judgement by way of a notice of motion dated 17.10.96. Service of this was effected on the defendants on 24.10.96. He filed his grounds of opposition almost a year after service. It is most certainly out of time.

On the day the application came for hearing neither the defendant/respondent or his advocate attended courts.

The applicant stated through their advocate that the defendant/respondent had admitted he owned the said sum. That he in fact gave to the plaintiff a title deed and a motor vehicle to be held by them as security. This I believe was whilst he made arrangements to pay he said amount. These proceedings are still in the possession of the plaintiff.

The defendant had by a hand written note confessed and admitted taking the said sums of moneys. That he would thereafter pay the same on 17.11.95. This was after he gave them the title and the vehicle.

I am satisfied that the defendant owns the said sum of money. He has admitted the same.

I hereby enter summary judgement against the defendants and for the plaintiff for the sum of Ksh.620,000/- as prayed.

I award interest of this sum from the date of filing suit at 12% per annum.

I award costs to the plaintiffs of this suit.

Dated this 20th day of July, 2000 at Nairobi.

M.A. ANG'AWA

JUDGE