

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE 1318 OF 1997

Bank Of Baroda v Kenya Re-Claimed Rubber (1985) & 4 others

T Mbaluto, Judge

August 25, 2000

T Mbaluto, Judge delivered the following ruling.

On April 7, 2000, the parties herein entered into a consent order whereby judgment was entered in favour of the plaintiff against the defendants as prayed in prayers 9(a), 9(d), 9(e), 9(f) and 9(g) of the plaint together with costs and interest at court rates. By the same order it was agreed that the issue of interest chargeable on overdue interest and default interest as well as interest on the decretal sum would proceed to trial. Evidence on the matter was led on behalf of the plaintiff on June 21, 2000 during which Mr. Rakesh Kumar Mangla testifies.

Mr. Mangla is the plaintiff's Senior Manager. He explained to the satisfaction of this court the basis upon which the plaintiff charges interest on overdue interest and default interest in respect of the principal amount due from the defendants. The defendants did not put forward any evidence to controvert what Mr. Mangla stated. On the contrary, when given any opportunity to react to what Mr. Mangla had stated, Mr. Kamara for the defendants, stated that he was offering no evidence.

On the basis of the evidence tendered for the plaintiff, I am satisfied that its claim in respect of overdue interest as well as default interest is justified. Accordingly, I enter judgment in favour of the plaintiff against the defendant in respect of those two heads of interest as prayed in the plaint together with interest on the decretal sum at court rates.