

Republic of Kenya

In the High Court of Kenya

at Nairobi

Civil Case 101 of 2000

Standard Chartered Bank Kenya Ltd

v

Intergraphic Equipment Ltd & 4 Others

T Mbaluto, Judge September 20, 2000, T Mbaluto,

Judgment

This is an application for summary judgment under Order XXXV rule 1 of the Civil Procedure Rules. The applicant who is the plaintiff in the suit seeks judgment against the 1st and 5th defendants herein as prayed in the plaint. In support of the application there has been filed an affidavit sworn on July 4, 2000 by Jane Chege, the Account Manager employed by the plaintiff who is in charge of the account giving rise to the claim by the plaintiff against the defendants.

The contents of the plaint and the affidavit in support of the application disclose that the plaintiff granted banking facilities to the 1st defendant upon various securities including guarantees by, amongst others, the 5th defendant.

As at December 31, 1999, the sum of Kshs 7,229,002.90 was due and owing by the 1st defendant to the plaintiff being the balance of the money lent and/or overdraft allowed and money paid to the use of the 1st defendant and guaranteed by the 5th defendant.

Although both the 1st and 5th defendants have filed a joint written statement of defence to the claim, the purported defence is nothing but a sham which does not disclose any triable issue.

This application was duly served upon the advocates for the 1st and 5th defendants Messrs Mbulo and Co. Advocates but they did not attend court and this matter therefore proceeded ex parte. On the basis of the evidence contained in the affidavit in support of the application, I am satisfied that the 1st and 5th defendants are truly and justly indebted to the plaintiff in the sum claimed in the plaint. Accordingly, I enter judgment for the plaintiff against the defendants jointly and severally as claimed in the plaint, together with costs and interest.