



**REPUBLIC OF KENYA**

**National Bank Of Kenya Limited v Electro-Sigma Company Ltd & 2 Others**

**High Court of Kenya at Nairobi**

**October 9, 2000**

**Milimani Commercial Courts**

**T Mbaluto, Judge**

**Civil Case No 884 of 1995**

**October 9, 2000 T Mbaluto, Judge delivered the following ruling.**

This is an application under Order 12 rule 6 of the Civil Procedure Rules for judgment in favour of the plaintiff against the 3rd defendant on admission. The application is supported by an affidavit sworn on May 16, 2000 by Mr William Lagat, the officer in the plaintiff's bank in charge of the legal department.

Mr Lagat's affidavit reveals that by a guarantee in writing dated October 27, 1997, the third defendant, in consideration of the plaintiff issuing a credit card to the 1st defendant, agreed to be jointly and severally liable for all the charges incurred on the card. The affidavit also shows that by a letter dated September 16, 1999, the 3rd defendant accepted his liability to the plaintiff and made repayment proposals which he however failed to honour.

On the basis of the admission aforesaid, I am satisfied that the 3rd defendant has no defence to the plaintiff's claim. In the circumstances the application is allowed as prayed with costs.