

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI COMMERCIAL COURTS
CIVIL CASE NO. 900 OF 1999.

MUNSHIRAM INTERNATIONAL MACHINES LTD.....PLAINTIFF
VERSUS
MANSUKHLAL V.
HINDOCHA.....DEFENDANT

J U D G M E N T

The hearing of this case commenced on the 11.10.2000 when the Defendant applied for an adjournment which was refused. previously the Defendant has embarked on a case of delaying the hearing of this matter in a number of occasions. Judgment was given by Mr. Justice Mulwa .on the 19.1.2000 which I set aside due to the alleged indisposition of Miss Wanja on the date fixed for the application for summary judgment.

After the examination in chief of the Plaintiff's witness the Defendant advocate Mr. Sheth asked for a week after which he wished to cross-examine the witness. I granted the adjournment reluctantly and stood the matter over until the 8.11.2000 at 10.30a.m.

The matter came on before me at 10.30a.m. and Mr. Mbaabu appeared but Mr. Shethi did not Mr. Shethi came before at 2.30p.m. saying he had mistaken the time. I regret I do not believe this to be true and was just another delaying tactic on behalf of the Defendant. This Defendant has more than enough indulgences in this matter.

Having heard the Plaintiff's witness whose evidence I accept I am satisfied that the Plaintiff delivered goods to the value of Shs.1,538,175/- to the Defendant and that this sum was due to the Plaintiff and no payment as alleged by the Defendant has been made other than a sum of Shs.172,800/- paid by cheque. The balance due to the Plaintiff s Shs.1,365,375/- as claimed in the plaint and I award judgment for this sum together with interest thereon at 20% from the 9.7.99 until payment in full and the costs of this suit. The Defendant to have credit for the sum of Shs.600,000/- paid in the admitted amount.

Dated and delivered at Nairobi this 15th day of November, 2000.

PHILIP J. RANSLEY
COMMISSIONER OF ASSIZE.