



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI COMMERCIAL & TAX DIVISION**

**CIVIL SUIT NO. 349 OF 2013**

**HIGHCHEM PHARMACEUTICALS LIMITED.....PLAINTIFF**

**-VERSUS-**

**PENTAPHARM LIMITED.....DEFENDANT**

**JUDGMENT**

1. By a plaint dated 1/08/2013, the plaintiff sued the defendant for a sum of Ksh. 9,244,343/- together with interest thereon and costs. The defendant entered appearance but failed to file a defence. Judgment in default was entered, but thereafter the parties negotiated a settlement.
2. By a consent dated 7/09/2020, adopted by the court on 2/11/2020, the parties compromised the suit whereby a sum of Ksh.8,239,246/70 was found to be undisputed and therefore admitted as due and owing from the defendant to the plaintiff.
3. In paragraphs 4 and 5 of the consent, the parties agreed that the defendant was to produce evidence to show payment of Ksh.1,075,049/- within 7 days of the consent. As at 24/02/2021, the Defendant had not produced any evidence as to the payment of the said sum or any part thereof.
4. In this regard, in terms of paragraph 6 of the said consent, Judgment is hereby entered for the plaintiff against the defendant for Kshs.9,314,295/70 together with interest thereon at court rate from the date of filing suit until payment in full.
5. The Plaintiff shall have the costs of the suit together with interest thereon at court rate.

**DATED, SIGNED and DELIVERED at NAIROBI this 4TH day of MARCH 2021.**

**A. MABEYA, FCI Arb**

**JUDGE**