



**Bharat Vinod Bhuta t/a Usha Merchandise v Muhoroni Sugar Company Ltd (In Receivership)
(Commercial Case E008 of 2023) [2024] KEHC 7243 (KLR) (30 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 7243 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
COMMERCIAL CASE E008 OF 2023
MS SHARIFF, J
APRIL 30, 2024**

BETWEEN

BHARAT VINOD BHUTA T/A USHA MERCHANDISE PLAINTIFF

AND

MUHORONI SUGAR COMPANY LTD (IN RECEIVERSHIP) DEFENDANT

RULING

1. I have considered date Plaintiff's Notice of Motion dated 14th March, 2024 and the affidavit in support thereof sworn by Bharat Vinod Bhuta on even date and I have also noted that whereas I had given clear directions on the filing of a response by the Defendant on 4th April 2024, there is no compliance on the part of the Defendant.
2. I have also considered the oral submissions of parties advocates and I do agree with the Plaintiff's Counsel that any meaningful endeavor to pursue out of court settlement ought to have been communicated in good time to the Plaintiff.
3. Whereas this court is enjoined under article 159 (2) (c) to promote and encourage alternative modes of dispute resolution, it cannot come to the aid of an indolent party.
4. In light of the above I do hereby allow the application and I proceed to make the following orders:-
 - i) The Defendant's statement of defence dated 3rd November, 2023 is hereby struck out and judgment is hereby entered for the Plaintiff as against the Defendant for a sum of Kshs 27,655,704 plus costs and interest at commercial rates from the date of filing of this suit until payment in full.

DELIVERED, DATED AND SIGNED AT KISUMU THIS 30TH DAY OF APRIL, 2024.

MWANAISHA. S. SHARIFF

JUDGE

