



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NUMBER 101 OF 1996

FULCHAND MANEK & BROTHERS.....PLAINTIFF

VERSUS

BULLION BANK LIMITED.....DEFENDANT

RULING

There being no denial by the Defendant/Respondent that the cheques on which the applicant's account was debited did not belong to the plaintiff/applicant as deposed in paragraphs 5 – 9 of the affidavit in support of the application for summary judgment, I am of the view that the defence filed a hallow Sham in the nature of a red herring. Besides words and words, it discloses no bona fide triable issues.

I accordingly enter Judgment as prayed in the sum of Ksh. 789,649/= plus costs and interest. The question of general damages is to be tried on vivo voce evidence at a date to be taken at the registry.

Dated at Nairobi this 1<sup>st</sup> day of July 1996.

A.G. RINGERA

JUDGE