



REPUBLIC OF KENYA



**In re Cytonn Investment Partners Fifteen LLP (Insolvency Petition E063 of 2021)
[2024] KEHC 9938 (KLR) (Commercial and Tax) (31 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9938 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
INSOLVENCY PETITION E063 OF 2021
A MABEYA, J
JULY 31, 2024
IN THE MATTER OF THE INSOLVENCY ACT 2015
IN THE MATTER OF THE LIMITED LIABILITY PARTNERSHIP
ACT CAP 30A OF 2012
IN THE MATTER OF CYTONN HIGH YIELDS SOLUTIONS (IN
LIQUIDATION)
IN THE MATTE OF CYTONN INVESTMENT PARTNERS
FIFTEEN LLP**

RULING

1. This is a ruling on the application by Cytonn High Yield Solution LLP dated 11/3/2024 for my recusal. It is brought under Order 51 of the [Civil Procedure Rules](#) Section 1A, B, and 3A of the [CPA](#) and Articles 50 and 159 (2) of [the Constitution](#).
2. The ground for my recusal is that in my ruling of 30/11/2023, I held that the promoters of Cytonn and the affiliate companies were involved in a scheme akin to fraud.
3. It is not disputed that the two companies that this Court ordered that they be liquidated had taken in excess of Kshs. 14B from members of the public for alleged investment. It later occurred that the two companies would then “lend” the said funds to its affiliate companies for investment. When the time came for the investors to recoup their monies there was none to be paid. The two companies took refuge in Administration. The Administrator recouped zero shillings after 1 year of administration. I do not know how I should have described that arrangement.
4. I have considered the application. I see no bias in my subject ruling. I only described the transaction as it were. There is nothing to warrant my recusal. But to give the promoters of Cytonn and affiliate companies the comfort of vetting their cases before the seat of justice, I will step aside.



5. In this regard, the application is moot. I allocate the matter to Dr. Mugambi J to continue handling the same up to its logical conclusion. I make no order as to costs.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 31ST DAY OF JULY, 2024.

A. MABEYA, FCI Arb

JUDGE

