



**Njagi & 9 others v Invesco Assurance Company Limited (Insolvency Petition E015 of 2019)  
[2023] KEHC 26754 (KLR) (Commercial and Tax) (21 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 26754 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
INSOLVENCY PETITION E015 OF 2019  
A MABEYA, J  
DECEMBER 21, 2023**

**BETWEEN**

**SALESIO KINYANJUI NJAGI ..... 1<sup>ST</sup> PETITIONER  
GREGORY MWANIKI KARUNGA ..... 2<sup>ND</sup> PETITIONER  
ALISA NJERI ..... 3<sup>RD</sup> PETITIONER  
JACKLEAH WANGARI ..... 4<sup>TH</sup> PETITIONER  
NYAGA NTHIA ..... 5<sup>TH</sup> PETITIONER  
ALICE KAGENI NDWIGA ..... 6<sup>TH</sup> PETITIONER  
EMMACULATE WANJIRU MARIGU ..... 7<sup>TH</sup> PETITIONER  
JULIET MUTHONI NTHIGA ..... 8<sup>TH</sup> PETITIONER  
VANESSA KAMBI ..... 9<sup>TH</sup> PETITIONER  
NANCY MUTHONI KINYUA ..... 10<sup>TH</sup> PETITIONER**

**AND**

**INVESCO ASSURANCE COMPANY LIMITED ..... RESPONDENT**

**RULING**

1. Before me is a Consent dated 11/12/2023 by the parties. They seek to set aside the Liquidation Order made on 18/10/2023 that took effect on or about 31/10/2023 when the Company defaulted on a Consent Order of 18/10/2023.
2. The grounds for that Consent is that the Company has since paid the instalments ordered and has entered into an arrangement with the petitioner on how to settle the debt. It was submitted that the



parties had entered into a similar consent before the Malindi Court thereby lifting another Liquidation Order made by that Court.

3. I have considered the consent and the representations by Learned Counsel. I point out here that liquidation petitions are not to be used to arm twist debtors to pay or settle. Once a petitioner has decided that a debtor Company should be liquidated, it is insensitive for such a petitioner to turn back and say “oh wait a minute, I have received my money back. Hold the process.” That is not available.
4. A Liquidation Petition as is Liquidation Order is serious business. Advertising any of the same has serious consequences to the debtor Company. In public interest, a company that should go under in all fairness it should be left to go rather than be left to sink deeper into debt.
5. In the present case, I have considered that it is in the public interest that I reverse the Liquidation Order. However, the same will not be in terms of the consent. I hereby lift the Liquidation order of 18/10/2023. I discharge the Official Receiver from his duties as a liquidator of the Company forthwith and require him to surrender back the premises of the Company to its directors.
6. The matter is marked as settled and file closed.

It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 21<sup>ST</sup> DAY OF DECEMBER, 2023.**

**A. MABEYA, FCI Arb**

**JUDGE**

