



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
COMMERCIAL AND TAX DIVISION
INSOLVENCY PETITION NO. E010 OF 2019
CORAM: D. S. MAJANJA J.
IN THE MATTER OF THE INSOLVENCY ACT, 2015
AND IN THE MATTER OF
JOYCE MWANGI WANGECHI T/A JAJO ENTERPRISES (A DEBTOR)
JUDGMENT

1. Joyce Mwangi Wangechi (“the Debtor”) was at all material times a partner with her husband, James Mwangi Nderitu a business trading as Jajo Enterprises. She has brought the petition dated 25th July 2019 seeking that a Bankruptcy Order be made in respect of her estate or that she be adjudged bankrupt.

2. The Debtor’s husband also filed **HC Insolvency Cause No. E011 of 2019** in which he sought a Bankruptcy Order. The business was trading in agrovet products. The partnership incurred debts amounting to **Kshs. 9,795,370.00** when the business collapsed due to the 2007 post-election violence and subsequent loss of their tomato crops to pests. I heard the testimony of the Debtor. She is a housewife although she assists in running a local community based organization where she earns Kshs. 15,000.00 which she uses for her upkeep and her children.

3. Under **section 32(1)** of the **Insolvency Act, 2015**, a debtor is entitled to apply to be adjudged bankrupt on the grounds that he or she is unable to pay his or her debts. I have considered her statement of affairs and her evidence and I am satisfied that the Debtor is unable to pay her debts.

4. I therefore make the following orders:

- (a) **JOYCE WANGECHI MWANGI** be and is hereby adjudged bankrupt and a bankruptcy order is made against her estate.
- (b) The Official Receiver (or a person nominated by the Official Receiver) is hereby appointed to be the Bankruptcy Trustee in respect of the Debtor’s Property.
- (c) Cost of the petition shall be borne out of the Debtor’s estate.

DATED and DELIVERED at NAIROBI this 30th day of MARCH 2020.

D. S. MAJANJA

JUDGE

ORDER

In view of the declaration of measures restricting court operations due to the COVID-19 pandemic and in light of the directions issued by his Lordship, the Chief Justice on 15th March 2020, this ruling has been delivered to the parties online with their consent. They have waived compliance with **Order 21 rule 1** of the **Civil Procedure Rules** which requires that all judgments and rulings be pronounced in open court.

D. S. MAJANJA

JUDGE

Court Assistant: Mr. M. Onyango.

Mr Waweru instructed Guandaru Thuita and Company Advocates for the Debtor.

Mr Kabugu instructed by Wainaina Ileri Advocates LLP for Creditor (Starke Ayres (K) Limited) and also instructed by Gatore Jay and Company Advocates for Creditor (Greenlife Crop Protection Africa Limited)