



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI COMMERCIAL & TAX DIVISION
IN THE MATTER OF RURAL URBAN CREDIT FINANCE LIMITED
WINDING UP CAUSE NO. 31 OF 1984
AND
IN THE MATTER OF THE COMPANIES ACT
RULING

1. A winding up order was made by the court, in respect to the **Rural Urban Credit Finance limited** (hereinafter the company) on 3rd December 1984.
2. The official Receiver has, by the **Notice of Motion** dated **27th July 2015**, sought for orders for the discharge of the Official Receiver from his duties as provisional liquidator of the Company; that the accounts be declared a true reflection of the affairs of the Company; and for the court to issue an order of certificate of release and of dissolution of the Company.
3. The application is supported by an affidavit of **Patrick Thoithi Kanyuira**, the senior principal State Counsel with the Official Receiver and provisional liquidator, who was involved in the winding up of the Company.
4. From that affidavit in support it is seen that the High court at Nairobi issued a winding up order against the Company on 3rd December 1984 whereby the Official Receiver was appointed the provisional liquidator. The Official Receiver after gazetting that order called the first creditor's meeting. At the time the winding up order was issued there were 153 creditors. The Official Receiver collected some money owed to the Company less the expenses of the Official Receiver. The deponent annexed the accounts of the money and property collected and deposed that in his professional opinion the Official Receiver had finalized its work and further he stated that there was no more money or property to be collected on behalf of the creditors. The deponent then stated:

“That the Official Receiver has since concluded the liquidation process of Rural Urban Credit Finance Limited and wishes to be discharged from its duty as provisional liquidator”

5. It is clear to me that the Official Receiver has carried out his duties in accordance with the law and because the Company is now just a shell there is nothing more that can be done, and it is just that the Official Receiver should be discharged from any liability of any act done or default when carrying out his duties of the company.

CONCLUSION

6. In my view the orders sought by the Official Receiver in the application are merited. I therefore grant the following orders:

*a. The Official Receiver is hereby discharged from his official duties as Provisional Liquidator of **RURAL URBAN CREDIT FINANCE LIMITED**.*

*b. The Official Receiver's Final Accounts are hereby declared a true reflection of the affairs of the **RURAL URBAN CREDIT FINANCE LIMITED**.*

*c. An Certificate of Release and an order of dissolution of **RURAL URABN FINANCE LIMITED** is hereby issued.*

DATED, SIGNED and DELIVERED at NAIROBI this 28TH day of NOVEMBER, 2019.

MARY KASANGO

JUDGE

Judgment Read and Delivered in Open Court in the presence of:

Sophie..... **COURT ASSISTANT**

..... **FOR THE PETITIONER**

..... **FOR THE COMPANY**