

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL & TAX DIVISION

IN THE MATTER OF BANKRUPTCY CAUSE NO.14 OF 2013

(KANTILAL VAGHJI SHAH)

AND

IN THE MATTER OF BANKRUPTCY CAUSE NO.15 OF 2013

(NILESHCHANDRA VAGHJI SHAH)

R U L I N G

Before Court is the Petition dated **15th August 2013** filed by **NILESHCHANDRA VAGHJI SHAH** (hereinafter referred to as “**the debtor**”) seeking that the Court issue a Receiving Order in respect of his estate.

This matter was consolidated with **Petition No.14 of 2013** being the Petition of **KANTILAL VAGHJI SHAH**. The two were directors and equal shareholders in Bunyala Wholesalers Ltd. The said **KANTILAL VAGHJI SHAH** passed away on **18th December 2017** at Watford General Hospital in the United Kingdom as evidenced by the certified copy of a Notification of Death Serial **No.BBT 122414** issued on **19th December 2017**. Subsequent to the death of one of the Petitioners this matter proceeded in respect of the surviving Petitioner **NILESHCHANDRA VAGHJI SHAH**.

The matter was set down for the preliminary hearing of the Petition on **20th July 2018**. The hearing date was taken in presence of the Official Receiver. However on the stated hearing date there was no representative of the Official Receiver present in court to cross-examine the Debtor.

Mr. Nyakiangana for the Debtor urged the Court to issue the Receiving Order as prayed.

I have carefully perused the file. I note that the Statement of Affairs in respect of this debtor was filed in court on **19th September 2013**. The Petitioner has also filed a statement of his inability to pay. The creditors value secured was **Kshs.15,500,000/=** whilst the book debts amount to **Kshs.16,000,000/=**.

I am satisfied that this Petition has merit and accordingly do issue the Receiving Order as prayed. A copy of the Receiving Order to be served upon the official Receiver.

Dated in Nairobi this **26th** day of **October** 2018.

Justice Maureen A. Odera