

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MISC. CASE NO. 553 OF 2015

OMAR MARWA ADAN ABDI PLAINTIFF

VERSUS

LIQUIDATION AGENT

THABITI FINANCE COMPANY LIMITEDDEFENDANTS

RULING

This application is by way of Notice of Motion under Section 56 (2) of the Kenya Deposit Insurance Act, 2012, Sections 228 and 241 of the Companies Act Section 1A, 3A of the Civil Procedure Act, Order 51 rule 1 of the Civil Procedure Rules and Articles of the Constitution seeking an *ex parte* order for leave to institute legal proceedings against the respondent. The application was heard by Ombija J, on 8th February, 2016 and a ruling reserved for 29th March, 2016 but this was not done. The judge retired before delivering the ruling and the file was subsequently placed before me for that purpose.

I have looked at the provisions of law cited, the grounds set out on the face of the application and the supporting affidavit sworn by the applicant. I am persuaded that leave sought should be granted.

Accordingly the application is hereby allowed. The applicant shall file the intended suit within 30 days from today.

Costs in the cause.

Dated and delivered at Nairobi this 26th Day of April, 2017

A. MBOGHOLI MSAGHA

JUDGE