



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

WINDING CAUSE NO.1 OF 2014

IN THE MATTER OF KAPCHEBET TEA FACTORY LIMITED

AND

IN THE MATTER OF THE COMPANIES ACT (CAP.486 LAWS OF KENYA)

AND

IN THE MATTER OF SECTION 189, 191, 219, 22, 224, 234, 235,239, 240, 241, 242, 243, 252, AND 253 OF THE COMPANIES ACT, CAP 486 LAWS OF KENYA.

AND

IN THE MATTER OF THE INHERENT POWERS OF THE COURT

BETWEEN

DAVID BETT LANGAT.....1ST PETITIONER/APPLICANT

ISMAIL GULAMALI.....2ND PETITIONER/APPLICANT

VERSUS

STEPHEN KIPKATAM KENDUIYWA1ST RESPONDENT

JOEL KIMUTAI SANG.....2ND RESPONDENT

JOSEPH KIPKURUI NGETICH.....3RD RESPONDENT

RODERICK MITEI KENDUIYWA.....4TH RESPONDENT

JONAH KIPKEMOI KETER.....5TH RESPONDENT

KAPCHEBET TEA FACTORY LIMITED.....6TH RESPONDENT

RULING

The Motion dated 26th May 2014, was placed before this court on a certificate of urgency duly executed by Miss. Muthee, learned advocate for David Bett Langat and Ismael Gulamali, hereinafter referred to as

the 1st and 2nd Petitioners respectively. When the Motion came up for hearing *ex parte*, Miss. Muthee beseeched this court to grant the Petitioners prayers 1, 3, 7 and 11 of the Motion to subsist until the *inter partes* hearing of the Application. Miss. Muthee urged this court to consider the grounds set out on the face of the Motion and the facts deponed in the affidavits of both Petitioners.

I have taken time to peruse the material placed before this court. The substantive matter in this dispute is the Petition dated 26th May 2014 in which the main order brought may finally lead to the winding up of Kapchebet Tea Factory Limited the 6th Respondent herein under the Companies Act by the court. The orders sought in the Motion appear to be so substantive and has great implications to the operations of the aforesaid company that it is necessary to first hear the parties at the preliminary stage. I think the order that commends itself to be granted at this stage is prayer 1. I hereby certify the Motion dated 26th May 2014 to be urgent. I direct the Petitioners to cause it to be served upon all the Respondents. The Motion is hereby fixed for *inter partes* hearing for two days i.e. on 10th and 11th June 2014. The Petitioners to serve the Motion plus a Hearing Notice on the Respondents.

Dated, signed and delivered in open court at Kericho this 30th day of May 2014.

J. K. SERGON

JUDGE

In the presence of:

Miss. Muthee for Petitioners.