

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
COMMERCIAL & ADMIRALTY DIVISION
MISCELLANEOUS CIVIL APPLICATION NO 480 OF 2014

COATES BROTHERS (EA.) LIMITED.....PLAINTIFF

Versus

CONTINENTAL ADJUSTERS (K) LIMITED.....DEFENDANT

RULING

Leave to file proceedings: Company in liquidation

[1] If the Applicant succeeds in the application dated 1st October, 2014, it will be the Plaintiff in the intended suit against the Respondent. The court made a winding up order against the Applicant was made on 11th April, 2012 and Mr Patrick Kamau of Ernest Young Eastern Africa was appointed the liquidator of the company. The Applicant intends to file suit against the Respondent for recovery of a debt owed to the company. It has applied for leave to commence proceedings under section 228 of the Companies Act.

[2] I have considered the submissions filed, the judicial decisions cited as well as the law. Section 228 is in mandatory terms and given the status of the Applicant Company, I hereby grant leave to commence judicial proceedings against the Respondent within 30 days of today. It is so ordered.

Dated, signed and delivered in court at Nairobi this 28th day of November 2014

F. GIKONYO

JUDGE