

REPUBLIC OF KENYA

HIGH COURT AT KISUMU

BANKRUPTCY CAUSE NO. 4 OF 2013

CHRISTINE AKINYI OTIENODEBTOR/APPLICANT

R U L I N G

The applicant has applied under section 16(2) of the Bankruptcy Act (Cap.53) for a receiving order to be issued against her. She states that she has accumulated outstanding debts of Kshs.1,318,800/= which has forced his creditors to pursue, hound and intimidate her to the extend that she no longer resides in her house and has been forced to separate from her family. She has sworn that the debt is against her property that is worth Kshs.74,900/=.

However, I have looked at her statement of affairs. When she applied for loan of Kshs.1,000,000/= from Kisumu Centre Jua Kali Artisan Sacco she indicated that she had a shop that had stock worth Kshs.500,000/=, capital investment worth Kshs.900,000/=, a canter, ice plant 3 fridges and her daily sales averaged Kshs.40,000/=. She then had

Kshs.300,000/= in shares held in the sacco. She declared the value of the canter to be Kshs.500,000/=, the ice plant, to be Kshs.200,000/= and a container shop to be worth Kshs.150,000/=.

When she went to Jamii Bora Bank Limited for a loan of Kshs.200,000/= she offered 20% cash cover and chattels mortgage over her household items as security. At Co-operative Bank she sought a loan and signed a chattels mortgage. She declared her chattels to be worth Kshs.416,000/=.

In short, the applicant has not been truthful in stating that she is worth only Kshs.74,900/=. She has sufficient property to sell and repay the debt she wants to run away from. The application is dismissed.

Dated, signed and delivered this 27th day of May 2013

A. O. MUCHELULE
J U D G E