

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI LAW COURTS)
BANKRUPTCY CAUSE 80 OF 2001

JANE MBITHE WAMBUA.....DEBTOR/PETITIONER
AND

IN THE MATTER OF THE BANKRUPTCY ACT

JUDGMENT

Jane Mbithe Wambua filed a Petition on 8th November, 2001 petitioning this court to be adjudged bankrupt. On 8th November, 2001 a Receiving Order was issued against her estate.

On 23rd March, 2012 she appeared before me for public examination. She testified on oath that she is a subsistence farmer at Machakos where she lives with her husband. That she farms two (2) acres of land which hitherto belonged to her husband but which was sold by a Co-operative Society which had lent her husband some loan which on default the society sold to a Mr. Dennis Kyalo Paulo, that whatever she gets from the farm is only enough to feed her family. She told the court that her husband is sickly and is not economically productive. That she was also diabetic and suffers from blood pressure. Her children are married and those still at home are unemployed.

She told the court that she had debts which she incurred when sometimes back she entered into some women's group and took a loan, that she bought a matatu with the loan she had secured, that the matatu was involved in an accident whereby some passengers were injured. Those passengers, about six (6) of them sued and were awarded damages which she is unable to settle in compensation.

Mrs. Wambua swore that she is old, sickly and have always been a house wife. That she owns nothing that can assist her to pay the debts. She therefore prayed that she be declared bankrupt.

I have considered the evidence on record. I listened to and observed the Petitioner when she was giving evidence in Court. I believed her. She was candid and honest that she cannot be able to meet her financial obligations. That being the case, I hold that the Petitioner has proved her case, she cannot be able to pay her debts and accordingly I adjudge her bankrupt. This order shall remain in force for twenty four (24) months after which she can apply for her discharge. I make no orders as to costs.

Orders accordingly.

Dated and delivered at Nairobi this 25th day of April 2012

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A. MABEYA
JUDGE