



REPUBLIC OF KENYA

IN THE HIGH COURT

AT NAIROBI

MILIMANI LAW COURTS

BANKRUPTCY CAUSE 20 OF 2009

IN THE MATTER OF THE BANKRUPTCY ACT (CAP 53 LAWS OF KENYA)

JOHN NDERU NDUNG’U ..... DEBTOR

RULING

By a petition dated 7<sup>th</sup> May, 2009 **John Nderu Ndung’u**, the Debtor, sought a bankruptcy order pursuant to the provisions of **Section 5** of the **Bankruptcy Act Cap 53 Laws of Kenya**. The petition was made on the ground that the Debtor has been unable to pay his debts. A receiving order was issued on 10<sup>th</sup> July, 2009. The Debtor filed the prescribed Statement of Affairs in support of his claim and was publicly examined on 4<sup>th</sup> of May, 2012. The Debtor’s liabilities as at the date of filing the petition stood at **Kshs.2,441,949/=**. The debtor used to operate a fleet of eleven public service vehicles commonly known as “**Matatus**” which were all insured by United Insurance Company Limited. Some of the Debtor’s motor vehicles were involved in various accidents as a result of which several persons filed suits against the Debtor and obtained judgment for liquidated sums against him. The said claims were supposed to be settled by United Insurance Company Limited, hereinafter to as “**the Insurance Company**”. However, the Insurance Company was unable to settle various claims that had been made against it and was consequently placed under statutory management. The Debtor made considerable effort to settle the claims personally and paid about **Kshs.2,000,000/=**, having sold some of his assets. Almost all the matatus have been grounded and there are only two of them that can be revived. The two are registration number KAE 803R and KAH 023D.

All the creditors in this matter were duly notified of the date when the Debtor was to be publicly examined and only one of them, **Martin Njoroge**, instructed **Ms. Kimani Advocate** to represent him. The others did not attend court.

The Debtor is not in any gainful employment and has no income.

Having considered his sworn statement following his public examination by **Mrs. Oduol** on behalf of the Official Receiver, I am satisfied that the affairs of the Debtor have been sufficiently investigated and declare that his examination has been concluded in terms of the provisions of **Section 17 (10)** of the **Bankruptcy Act**. A declaration of bankruptcy cannot however be made until after the first meeting of creditors which shall be on 15<sup>th</sup> June, 2012 at the offices of the Official Receiver. The creditors should be notified accordingly. This matter will be mentioned on 22<sup>nd</sup> June, 2012 for further orders.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 11<sup>TH</sup> DAY OF MAY, 2012.**

**D. MUSINGA**  
**JUDGE**

**In the presence of:**

**Alex – Court Clerk**

**No appearance for Official Receiver**

**Debtor - Present**