



REPUBLIC OF KENYA

IN THE HIGH COURT

AT NAIROBI

MILIMANI LAW COURTS

Winding Up Cause 19 of 2009

IN THE MATTER OF ELEGANCE INVESTMENTS LIMITED

BETWEEN

ANTHONY CHINEDU IFEDIGBO. ::::::::::::::::::::::::::::::::::::::: PETITIONER

- VERSUS -

ELEGANCE INVESTMENT LIMITED :::::::::::::::::::::::::::::::::::::::1ST RESPONDENT

JOYCE AKINYI OCHIENG :::::::::::::::::::::::::::::::::::::::2ND RESPONDENT

RULING

The Ruling is due today on the Petition dated 7th July 2009. Parties agreed to file written submission in respect thereto. The Petitioner filed his written submission on 6th March 2012 while the 2nd Respondent did the same on 7th of May 2012.

I have considered the submissions. In my view this court would not render adequate justice to the matter without further evidence from the parties. A company of a going concern has several issues revolving around annual returns, books of accounts, employment and tax records, income and debts etc. There is a lot of information which this court requires to enable it rule for or against the Petitioner. The filed submissions do not contain any information which may help the court in that regard.

Accordingly, therefore, I decline to render a Ruling in this matter and direct that the parties supply further oral evidence. Specifically I direct the Petitioner and the 2nd Respondent to provide oral testimony which will be subject to cross-examination. That testimony should include the economic and business status of the company as it is today. Only upon such testimony will this court be in a position to render a Ruling

one way or the other.

The parties are at liberty to fix a hearing date here in court or at the registry.

It is so ordered.

DATED, READ AND DELIVERED AT NAIROBI

THIS 20TH DAY OF JUNE 2012.

E. K. O. OGOLA

JUDGE

PRESENT:

M/s Ngania for the Petitioner

Michuki H/B Oluoch for the 2nd Respondent

Teresia – Court clerk