



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
Bankruptcy Cause 34 of 2006
IN THE MATTER OF THE BANKRUPTCY ACT
(CAP 53 OF THE LAWS OF KENYA)

GEORGE NJOROGI KARIUKI.....DEBTOR

R U L I N G

1. The Debtor **George Njoroge Kariuki**, Petitioner came to this court on **9th March 2006** for an **Order of Bankruptcy** on grounds that he was unable to pay his just debts.
2. On **20th September 2006** a **Receiving Order** was made against the Petitioner and the Official Receiver was appointed the Receiver of the Petitioner's estate.
3. On **22nd June 2012** the Petitioner was publicly examined and the proceedings of the public execution were read to the Petitioner on **6th July 2012** and he signed those proceedings as correct.
4. According to the Petitioner he lives at Kibichoi in Githunguri in Kiambu. He is 53 years and married with 5 children the eldest being 18 years and the youngest 4 years. The eldest one has completed form 4 while the remaining one is still in school. His wife pays the school fees. She has a shop. He is a farmer. He owns 2 acres of family land.

He was carrying business of *matatau* transport. His *matatus* were 4. They were insured by United Insurance and Standard Assurance 2 each. All the four vehicles suffered a road accident. As he continued with business the vehicles one after another had accident injuring many upto 20 people. The insurance paid compensation except for one who insisted that the compensation money was little. He went to court and shortly thereafter the Untied Insurance Company went under. This person was called Esther Ndung'u. The case was civil suit number 3909 of 2000 Milimani Court. The sum was **Kshs.776,000/=**. He was unable to pay this debt. He asks court to declare him bankrupt. His wife pays for everything.

He has been told by his advocates the legal consequences of being declared bankrupt. He cannot contest any political seat, he cannot enter into any contract, he cannot have in his possession more than Kshs.100. He still wants to be declared bankrupt.

5. I have carefully considered the Petition. The Petitioner is not an old man as such. At age 53, he can still work. However, he does not see any prospects for prosperity. He is also sickly and depends

entirely on his wife and children. I am satisfied the Petitioner is not in a position to repay the debt of **Kshs.776,000/=** together with interests. I am satisfied that the application is merited.

6. I therefore allow the Petition and declare the Petitioner bankrupt and unable to pay his debts.

7. This order of Bankruptcy shall be in force for a period of **five (5) years** from the date of this Ruling and shall be reviewed upon application by the Petitioner.

It is so ordered.

DATED, READ AND DELIVERED AT NAIROBI

THIS 24TH DAY OF SEPTEMBER 2012

E. K. O. OGOLA

JUDGE

PRESENT:

.....*for the Debtor*

Teresia – Court Clerk