



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

CIVIL MISC. APPLICATION NO. 18 OF 2010(JR)

IN THE MATTER OF AN APPLICATION BY MURGIYENY FARMERS AND TRADERS LTD

**FOR LEAVE TO FILE AN APPLICATION FOR AN ORDERS OF CERTIORARI AND
PROHIBITION**

BETWEEN

MURIGIYENY FARMERS AND TRADERS LTD.....APPLICANT

VS

REGISTRAR OF COMPANIES.....RESPONDENT

AND

KIPKEMOI ARAP KOSKEI.....1ST INTERESTED PARTY

PAULINE SANG.....2ND INTERESTED PARTY

RULING

In its Notice of Motion dated 12th April 2011, the applicant, **MURGIYEN FARMERS AND TRADERS LIMITED**, seeks leave to apply for an orders of certiorari to bring into this Court for quashing the decision dated 24th March 2011 made by the Registrar of Companies, the Respondent herein, and for an order of prohibition.

I have perused the application and the Statement of Facts and the Supporting affidavit. **Rule 1 (2) of Order 53 of the Civil Procedure Rules (2010)** require that the application for leave be accompanied not only by a Statement of Facts but also by affidavits verifying the facts relied on. I shall treat the affidavit titled **“Supporting affidavit”** as the **“Verifying affidavit”**.

Mrs. A. C. Bett, learned Counsel for the applicant, urged the Court to grant the leave sought and prayed

that an order be made that the leave, if granted, operates as a stay.

I am satisfied after perusing the application and the Statement of Facts and the affidavit treated as the Verifying affidavit that the Applicant has established sufficient grounds for the grant of the leave sought. Accordingly, and in terms of **Order 53 Rule 1 (1)** I grant the applicant the leave sought in terms of prayer 1 of the application.

I direct that a Notice of Motion shall, pursuant to **Rule 3 (1)** of **Order 53** of the **Civil Procedure Rules** be made within 21 days from the date hereof and shall within 14 days of filing be served upon the respondents and the interested parties and all such persons as may be affected by it.

The Notice of Motion shall be mentioned on 27/6/2011 when a hearing date shall be given. Seven days before the mention on 27/6/2011, an affidavit shall be filed in terms of **Rule 3 (3)** of **Order 53** of the **Civil Procedure Rules**.

The leave herein granted shall operate as a stay of the Respondent's decision sought to be quashed or convening an Annual General Meeting of the shareholders of the applicant Company.

DATED at **KERICHO** this 14th Day of **April**, 2011

G B M KARIUKI, SC

RESIDENT JUDGE

COUNSEL APPEARING

Mrs. A.C. Bett, Advocate, for the Applicant

Mr. N. Bett, Court clerk