



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI COMMERCIAL COURT
MISC. NO. 805 OF 2011 (OS)
IN THE MATTER OF THE COMPANIES ACT (CAP 486 LAWS OF KENYA)
AND
IN THE MATTER OF AN APPLICATION FOR EXTENSION OF TIME FOR REGISTRATION
OF A FURTHER CHARGE
KENYA COMMERCIAL BANK
LIMITED.....APPLICANT/CHARGE
-VERSUS-
COMAT TRADING COMPANY LIMITED.....RESPONDENT/
CHARGOR

RULING

On 26th September 2011, the applicant in this case filed an originating summons under order XXXVI of the Civil Procedure Rules, section 3 and 3A of the Civil Procedure Code, sections 896, 97 and 102 of the Companies Act and all other enabling provisions of the law seeking the following prayers:-

- That this Honourable Court be pleased to grant an order pursuant to section 102 of the Companies Act that the time for registration in the manner required by Section 96 of the said Act of a Further Charge dated the 31st day of March, 2011 crated in favour of Kenya Commercial Bank Limited by Comat Trading Company Limited over a property on L.R. No. 209/4357, NAIROBI be extended to 14 days from the date of the order to be made herein or such other period as the Court shall deem fit.*
- That the costs be in the cause.*

In his submissions, the applicant's counsel Mr. Ndege who appeared for Mr. Rioba stated that the urgency of this matter is the access of the borrowed money that cannot be released before the further charge is registered. On the basis of the above, the learned counsel has urged this court to grant an extension of 14 days for the registration of the further charge. According to the learned counsel, the further charge which is dated 31st March 2011 was delayed due to issuance of the land rent clearance and consent. Further to the above, the learned counsel also submitted that they received the documents on 20th July 2011. He

explained that the omission of the registration was accidental and the delay was actually caused in the Land's Office. From the records, the application is supported by the affidavit of David Ndege who is an advocate of the High Court. In conclusion, the learned counsel urged this court to allow the application and grant the orders being sought.

Upon careful consideration of the application, together with annexures, I hereby grant the same in terms of prayer number 1. In that regard, I hereby direct that the time for registration of the further charge dated 31st March 2011 created in favour of Kenya Commercial Bank Limited by Comat Trading Company Limited over the property L.R. No. 209/4357 NAIROBI be extended for a period of 14 days from today.

Those are the orders of this court.

MUGA APONDI

JUDGE

Ruling read, signed and delivered in open court in the presence of:-

..... Applicant's counsel

MUGA APONDI

JUDGE

26TH OCTOBER, 2011