



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MILIMANI COMMERCIAL COURTS**

**MISCELLANEOUS CIVIL APPLICATION CASE NO. 800 OF 2011**

**IN THE MATTER OF THE COMPANIES ACT (CAP 486 OF THE LAWS OF KENYA)**

**AND**

**IN THE MATTER OF AN APPLICATION BY KINA MIZIZI LIMITED (APPLICANT) FOR EXTENSION OF TIME FOR REGISTRATION OF CHARGE**

**RULING**

On 22<sup>nd</sup> September 2011, the applicant filed a notice of motion under Order L Rule 1 of the Civil Procedure Rules, Section 3A of the Civil Procedure Act, Section 96, 97 and 102 of the Companies Act (Cap 486 Laws of Kenya) Rule 8 (b) of the Companies (High Court) Rules and all other enabling provisions of the law seeking the following orders:-

1. *That the applicant be granted an extension of time for the registration of the Charge referred to in the said affidavit at the Companies Registry.*
2. *That the Charge be presented for registration at the Companies Registry within thirty (30) days from the date of the order granting the extension sought herein.*
3. *That the costs of this application be in the cause.*

During the hearing of the application, the applicant's counsel Mr. Ataka submitted that they are seeking an extension to register a Charge dated 20<sup>th</sup> June 2011. According to the learned counsel, the cause of delay was due to lack of consent from the Land's Office. He further contended that there was no inordinate delay in this transaction. On the basis of the above, he has urged this court to grant an extension of 30 days to register the Charge. From the record, the applicant has relied heavily on the affidavit of Margaret Njeri Kinyanjui who explained the cause of the delay in paragraphs 4, 5, 6, 7 and 8 of the same.

After carefully considering the application, together with the annexures herein, I hereby concede to the same in terms of prayers number 1 and 2. In that regard, I hereby grant an extension of 30 days from today to enable the Charge to be registered in the Company's Registry.

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**

**24<sup>TH</sup> OCTOBER, 2011**