

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Miscellaneous Application 208 of 2009

IN THE MATTER OF ELITE EDUCATION CENTRE LTD.
AND
IN THE MATTER OF THE COMPANIES ACT CHAPTER 486 OF THE LAWS OF KENYA
AND
IN THE MATTER OF APPLICATION TO RESTORE THE COMPANY'S NAME TO THE REGISTER

RULING

NAKURU ELITE EDUCATION CENTRE LIMITED, a private company limited by shares was incorporated under the Companies Act, according to the petition before me, in the month of December, 2006.

Following an advise that turned out to be incorrect from its Accountant, the company was dissolved and struck off the register on the request of the directors on 11th February, 2009. By this petition, a previous director of the company, Bernard Chweya Nyatino, seeks the restoration of the company name to the register.

The petition is supported by an affidavit sworn by Bernard Chweya Nyatino and annexures. The proviso to section 339 of the Companies Act allows the company itself or any director or its secretary to request the registrar to strike the company off the register. If the company or any member or creditor feels aggrieved by the striking off, the company, any member or director may, before the expiration of ten (10) years from the publication in the Gazette of the notice of striking off, may apply to the court for the restoration of the company to the register and in ordering the restoration, the court may give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

I am satisfied that a notice pursuant to section 399 aforesaid was published as the G.N. No.6193 on 19th July, 2008 and vide G.N. No.1364 of 11th February, 2009, the company was dissolved. A former director has brought the present petition before the expiration of ten (10) years from the date of the gazette notice and therefore, for those reasons, has satisfied me that the company ought to be restored to the register. It is ordered that the company shall be restored to the register and further that a certified copy of this order to be delivered to the registrar.

It is finally ordered that all the directors of the company immediately before the dissolution be similarly restored. I make no orders as to costs.

Dated, Signed and Delivered at nakuru this 26th day of February, 2010.

W. OUKO
JUDGE