



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (MILIMANI COMMERCIAL COURTS)**

**Miscellaneous Application 87 of 2010**

**IN THE MATTER OF: ALFA MOTORS LIMITED**

**AND**

**IN THE MATTER OF: BANK OF BARODA KENYA LIMITED**

**AND**

**IN THE MATTER OF: THE COMPANIES ACT**

**AND**

**IN THE MATTER OF: EXTENSION OF TIME FOR REGISTRATION OF A CHARGE AND**

**RULING**

The application relates to a notice of motion application under Rules 3 and 8(b) of the Companies (High Court) Rules, Section 102 of the Companies Act Cap 486, Section 3A of the Civil Procedure Act, and Order L rules 1 and 3 of the Civil Procedure Rules. It seeks the following orders:

1. **The time for registration of the charge and debenture documents dated 23<sup>rd</sup> November 2009 in respect of L.R. No. 209/4410 be extended by 30 days.**
2. **There be no order as to costs.**

During the hearing of the application the applicant’s counsel Mr. Matheka submitted that they were relying on the supporting of Dorothy Rono. They were applying that the court grants prayer No. 2 since the forty two (42) days for the registration of the charge with the Registrar of Companies has expired. Further to the above he also submitted that the omission to register the charge within the required time was due to the delay in the Lands office. Besides the above, he also submitted that unless the application is allowed, the subject charge will be rendered void and thereby occasion loss to the parties involved.

After carefully considering the application, I hereby grant prayer No. 2. Specifically, I hereby direct that the time within which to register the charge dated 21<sup>st</sup> October 2009 by Chemusian Company Limited over NAIROBI/BLOCK 103/483 in the name of Chemusian Company Limited by the Registrar of Companies be extended for a period of thirty (30) days from today. The above has been made in conformity with my powers and discretion under section 102 of the Companies Act, Cap 486, Laws of Kenya.

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**  
**25<sup>TH</sup> FEBRUARY 2010**