



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (MILIMANI COMMERCIAL COURTS)

Miscellaneous Application 37 of 2010

IN THE MATTER OF CHEMUSIAN COMPANY LIMITED

AND

IN THE MATTER OF MOBILE WORLD KENYA LIMITED

AND

**IN THE MATTER OF AN APPLICATION FOR EXTENSION OF TIME TO REGISTER A
CHARGE BY CHEMUSIAN**

COMPANY LIMITED

CHEMUSIAN COMPANY LIMITED.....APPLICANT

R U L I N G

The application relates to a notice of motion application under Order L Rule 1 of the Civil Procedure Rules, Sections 96 and 102 of the Companies Act, Rules 3 and 8(b) of the Companies (High Court) Rules. It seeks the following orders:

- 1. THAT this Honourable Court be pleased to certify this application as urgent and the same be heard on priority basis.**
- 2. THAT this Honourable Court be pleased to extend the time within which to register the Charge dated 21st October, 2009 by Chemusian Company Limited over NAIROBI/BLOCK 103/483 in the name of Chemusian Company Limited with the Registrar of Companies by a further thirty (30) days as per the powers conferred on it by section 102 of the Companies Act (Cap 486).**
- 3. THAT the costs of this application be in the cause.**

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 21st 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:

Koech for Matheka - Applicant's Counsel

MUGA APONDI
JUDGE
25TH FEBRUARY 2010