



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (MILIMANI COMMERCIAL COURTS)**  
**Miscellaneous Application 53 of 2010**

**IN THE MATTER OF ZADOK EAST AFRICA LIMITED**

**AND**

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

**AND**

**IN THE MATTER OF AN APPLICATION TO EXTEND TIME**  
**TO REGISTER A CHARGE BY FINA BANK LIMITED**  
**ZADOK EAST AFRICA LIMITED .....APPLICANT**

**R U L I N G**

This ruling relates to a notice of motion application brought under section 96 and 102 of the Companies (High Court) rules Section 3A of the Civil Procedure Act, Order L Rule 1 of the Civil Procedure Rules. It seeks the following orders

1. THAT this Honourable Court be pleased to certify this application as urgent and the same be heard exparte on priority basis.
2. THAT this Honourable Court be pleased to extend the time within which to register the charge dated 19<sup>th</sup> March, 2009 by M/s ZADOK EAST AFRICA LIMITED in favour of Zadok East Africa Limited (“The Company”) with the Registrar of this Order.
3. THAT the costs of this application be in the cause.

During the hearing of the application, the applicant’s counsel Mr. Saende submitted that the time for registration of the charge dated 19<sup>th</sup> March 2009 had expired exposing the same to be rendered void. Besides the above, he also submitted that the delay to register the charge was occasioned by a discovery of a prohibitory order against the properties to be charged. Further to the above he also stated that the application is supported by the affidavit of Karen Moracha. In addition to the above, he also informed the court that the prohibitory order was lifted on 15<sup>th</sup> October, 2009.

After carefully considering the application together with the annexures, I hereby grant an order pursuant to section 102 of the Companies Act that the time to register the charge dated 19<sup>th</sup> March, 2009 by Fina Bank Limited in favour of Zadok East Africa Limited (“The Company”) with the Registrar of Companies be extended by a period of 45 days from today’s date.

Those are the orders of the court.

**MUGA APONDI**  
**JUDGE**

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

Mr. Saende - Applicant's Counsel

**MUGA APONDI  
JUDGE**

**16<sup>TH</sup> FEBRUARY, 2010**