



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(MILIMANI COMMERCIAL & TAX DIVISION)

MISCELLANEOUS CIVIL APPLICATION NO. 75 OF 2011

IN THE MATTER OF: NGENYE KARIUKI AND COMPANY LIMITED (Under Statutory Management)

AND

**IN THE MATTER OF: AN APPLICATION UNDER SECTION 33A (3) OF THE CAPITAL MARKETS ACT,
CHAPTER 485A LAWS OF KENYA.**

**IN THE MATTER OF: AN APPLICATION BY THE CAPITAL MARKETS AUTHORITY FOR AN EXTENSION
OF THE**

**PERIOD OF APPOINTMENT OF THE STATUTORY MANAGER OF NGENYE KARIUKI & COMPANY
LIMITED**

R U L I N G

On 3rd February, 2011 the applicant filed an originating notice of motion application under Section 33A (3) of the Capital Markets Act, Cap 485A seeking the following orders.

1. The period of statutory management of Ngenye Kariuki & Company Limited be extended for a further period of 6(six) months.
2. Directors be given as to which parties are to be notified of the order made herein pursuant to Section 33A(3) of the Capital Markets Act Cap 485A Laws of Kenya.
3. The costs of this application be provide for.

During the hearing of the application, the applicant's counsel Mr. Murugara submitted that the urgency of the matter is that the

mandate of the Statutory Manager had expired on 3rd February, 2011. Further to the above, the also submitted that they came to court late due to the fact that the Capital Market Authority met on 2nd February, 2011. It was later resolved that the Statutory Manager should make an application in court. It is due to the above that he has urged this court to extend the period for the Statutory Manager for a period 6(six) months. He has prayed for prayer No. 2 to allow the shareholders to be informed of the new development. Apart from the above he has also relied on the affidavit of Mr. Ronald Ngeno who has deponed that there are still outstanding assignments by the Statutory Manager as demonstrated in paragraph 4, 7, and 8 of his affidavit. It is on the basis of the above that he has urged this court to extend the statutory period of the statutory management for 6 months.

After carefully considering the application together with the affidavit annexed herein, I hereby concede to the application by extending the period of statutory management for ONLY a period of 3 months from today. This court is of the considered opinion that if the Statutory Manager performs his duties diligently and efficiently, then he should be able to complete the remaining tasks within that period. Secondly, I hereby direct that all the interested parties, including the shareholders, creditors and debtors be informed about this new development within the next 30 days through one of the daily newspapers.

Thos are the orders of this court.

MUGA APONDI

JUDGE

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

Mr. Murugara & Ms. Mwema - Applicant's Counsel

MUGA APONDI

JUDGE

10TH FEBRUARY, 2010