



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI COMMERCIAL COURTS)
Miscellaneous Application 36 of 2010
IN THE MATTER OF AN APPLICATION BY BRINKS SECURITY SERVICES
LIMITED
FOR EXTENSION OF TIME FOR REGISTRATION OF A CHARGE
RULING

This ruling relates to an ex-parte notice of motion application brought under section 102 of the Companies Act and Rule 8(b) of the Companies (High Court) Rules. The said application seeks the following orders:

1. THAT the time for the delivery of the prescribed particulars of a Charge dated the 25th September, 2009 in respect of its property comprised in the title of Land Reference Number 209/19424 together with the Charge itself to the Registrar of Companies for registration under Section 96 of the above Act be extended under the provisions of Section 102 of the above Act by a further 42 days from the date of issue of the order of this Honourable court or by such other period as this Honourable Court shall think fit.
2. THAT the costs of this application be provided for by a further forty five (45) days from the date of issue of this order.

During the hearing of the application the applicant’s counsel, Mr. Obwayo, submitted that they are seeking to extend the time for registration of the charge in relation to L.R. No. 209/19424. Further to the above, he also submitted that the application is supported by their affidavit. He conceded that there was a delay in registering this charge as shown in paragraph (5) of the affidavit. He also added that by the time that the charge was registered the period had already elapsed. According to him the urgency is that the chargee has already been advanced Kshs.9 million. Besides the above, he stated that it was imperative that the charge be lodged with the Registrar of Companies. He concluded his submissions by stating that this is a non-contentious matter where no respondent has been cited.

After carefully considering the application together with the annexures, I hereby grant the same in terms of prayer No.

1. Specifically, I hereby direct that the time for the delivery of the prescribed particulars of a charge dated 25th of September, 2009 in respect of its property comprised in the title of L.R. No. 209/19424 together with the charge itself to the Registrar of Companies for registration under section 96 of the above Act be extended for a period of 42 days from today.

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
5TH FEBRUARY 2010