



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**(MILIMANI COMMERCIAL & TAX DIVISION)**  
**MISC. APPLICATION NO. 400 OF 2010**

**IN THE MATTER OF THE GITHUNGURI CINEMA COMPANY 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  
GITHUNGURI CINEMA COMPANY LIMITED**

**RULING**

This ruling relates to a notice of motion application brought under Order L of the Civil Procedure Rules, Sections 96 and 102 of the Companies Act and Rules 3 and 8(b) of the Companies (High Court) Rules. The said same 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 a Charge dated 18<sup>th</sup> day of February, 2010 by GITHUNGURI CINEMA COMPANY LIMITED over Title Number I.R. 46752 (L.R. 209/2076) 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 Laws of Kenya)**
- 3. THAT the costs of this application be in the cause.**

During the hearing of the application the applicant's counsel, Mrs. Gachomba urged this court to extend the time for registration of a Charge dated 18<sup>th</sup> February, 2010. Besides the above, she also submitted that the charge relates to the property I.R. 46752 (L.R. 209/2076) which was made by Githunguri Cinema Company Limited. Further to the above, she also submitted that the application is supported by her affidavit dated 7<sup>th</sup> May, 2010. Apart from the above, she also explained that they have made this application since the forty days provided by the Companies Act has expired. In addition to the above, she also submitted that the delay in presenting the charge was not deliberate since it was occasioned by loss

of some documents in the lands office. Specifically, she submitted that the land rent payment records and the land parcels correspondence file were misplaced at the lands office. That apart, she also explained that the land clearance certificate and consent could not be obtained on time. Thereafter the charge was registered on 29<sup>th</sup> April 2010 and by then the 42 days had already expired. She also contended that the documents cannot be received by the Companies' Registry unless they obtain an order from this court. After carefully considering the application, this court hereby grants the same in terms of prayer No. 2. Specifically, I hereby direct that the time to register the Charge dated 18<sup>th</sup> February, 2010 by Githunguri Cinema Company Limited over title No. I.R. 46752 (L.R. 209/2076) with the Registrar of Companies be extended by a period of 30 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:***  
Mrs. Gachomba - Applicant's Counsel

**MUGA APONDI**  
**JUDGE**  
**17<sup>TH</sup> MAY 2010**