



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
(MILIMANI COMMERCIAL & TAX DIVISION)
MISC. APPLICATION NO. 336 OF 2010

IN THE MATTER OF THE COMPANIES ACT, CHAPTER 486 LAWS OF KENYA

AND

**IN THE MATTER OF CO-OPERATIVE BANK OF KENYA LIMITED (“BANK”) AND IN THE MATTER OF
A CHARGE OVER L.R. NO. 209/6850 BY MIDLAND AUTOSERVICES LIMITED (“BORROWER”).**

RULING

This ruling relates to a notice of motion application brought under section 102 of the Companies Act and Rules 8(b) of the Companies (High Court Rules) and Section 3 and 3A of the Civil Procedure Act Cap 21 Laws of Kenya and all other enabling provisions of the law. It seeks the following orders:

- a) The firm of Robson Harris and Companies Advocates be granted leave to come on record for the applicant herein.
- b) The time for registration at the Companies Registry of the Charge dated 8th February, 2010 over Land Reference Number 209/6850, be extended.
- c) The costs of this application be borne by the applicant.

During the hearing of the application, the applicant’s counsel, Mr. Muga submitted that they are seeking extension of time to register a charge at the company’s registry and that their application is supported by the affidavit of Paul Kimotho Njoki. Further to the above, he also submitted that the charge dated 8th February, 2010 was not registered at the company’s registry because it was subject to an earlier charge that was registered in the name of Standard Chartered Bank for a loan that had been earlier advanced to Midland Auto Services Limited which is the borrower herein. The learned counsel submitted that the bank ought to have registered a discharge of charge but the same was not done till 30th March, 2010 and hence the mandatory period of 42 days had lapsed. It was his contention that the applicant now needs to register the charge to perfect the securities of the further charge that was taken by Midland Auto Services Limited. Mr. Muga further submitted that the delay was beyond their control and hence urged this court to grant the orders being sought.

After carefully considering the application, I hereby grant the orders being sought. Specifically, I hereby direct that the time for registration at the company’s registry of the charge dated 8th February, 2010 over L.R. No. 209/6850 be extended for a period of 30 days from today’s date.

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

7TH MAY, 2010