



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(MILIMANI COMMERCIAL & TAX DIVISION)

MISC. APPLICATION NO. 382 OF 2010

IN THE MATTER OF MUOROTO THUITA INVESTMENT 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
MUOROTO THUITA INVESTMENTS LIMITED**

**THE CO-OPERATIVE BANK OF KENYA
LIMITED.....APPLICANT**

R U L I N G

This ruling relates to a notice of motion application filed in this court 4th May, 2010. The application is brought under Order L of the Civil Procedure Rules, Sections 96 and 102 of the Companies Act, rules 3 and 8(b) of the Companies (High Court) Rules, Section 3A of the Civil Procedure Rules and all enabling provisions of the law. The applicant 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 the Charge dated 9th day of March, 2010 by MUOROTO THUITA INVESTMENTS LIMITED Land Reference Number 209/1672/1 with the Registrar of Companies by a further sixty (60) 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 Mr. Asega, the applicant's advocate urged this court to grant prayer No. 2 that seeks the leave of court to register a charge dated 9th March, 2010 with the Registrar of Companies. Apart from the above he submitted that the 42 days mandatory period had already elapsed thus necessitating the current application. In addition to the above, he also submitted that the delay in

registration of the charge is reflected in the annexed affidavit and specifically in paragraph 4 and 7 of the same. According to paragraph 4 of the affidavit the applicant's counsel were informed at the lands office that the company had not paid land rent for the previous 4 years, in which case the company was supposed to produce land rent payment receipts. Paragraph 7 of the affidavit states that upon verification of the land rate payment receipts the applicant's advocates obtained the completion documents (Land Rent Clearance Certificate together with the consent to charge) on 19th April, 2010 and on the same date the charge was duly presented for registration.

After carefully considering the application I hereby grant the same in terms of prayer No. 2. In that regard, I hereby direct that the time within which to register the charge dated 9th March, 2010 by Muhoroto Thuita Investments Limited on L.R. No. 209/1672/1 with the Registrar of Companies be extended by a further 60 days from today. That is in compliance with my powers conferred on me by section 1 of the Companies Act (Cap 486 Laws of Kenya).

Those are the orders of this court.

MUGA APONDI
JUDGE

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

Ms. Kiniti for Mr. Asega - Applicant's Counsel

MUGA APONDI
JUDGE

11TH JUNE 2010