



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI (MILIMANI COMMERCIAL COURTS)**

**Miscellaneous Case 853 of 2009**

**BARCLAYS BANK OF KENYA LIMITED (CHARGEЕ)...APPLICANT**

**AND**

**LIMURU POSHO MILL  
LIMITED.....RESPONDENT**

**RULING**

This application has been brought through notice of motion under Section 96, 97, 98 and 102 of the Companies Act, Cap 486 Laws of Kenya. The same seeks the following orders:

1. **THAT** this application be certified as urgent and service thereof be dispensed with.
2. **THAT** this honourable court be pleased to grant an order pursuant to Section 102 of the Companies Act, that the time for the registration in the manner required by section 96 of the said Act of a Charge dated 7<sup>th</sup> May, 2009 over Land Reference Number 7882/5, Limuru, Kiambu created in favour of Barclays Bank of Kenya Limited by Limuru Posho Mill Limited to secure the sum of Kshs.6,000,000/= be extended to Thirdly (30) days from the date of the order to be made herein or such other period as the court shall deem fit.

During his submissions, Mr. Maweu stated that the charge is dated 7<sup>th</sup> May, 2009 and hence the period expired on 16<sup>th</sup> July, 2009. Further to the above, he also submitted that the delay was caused by the fact that the file had gone missing in the Lands office. Apart from the above, he also submitted that on 11<sup>th</sup> August, 2009 the consents were given by the Kenya Railways and that he obtained the registered documents on 24<sup>th</sup> September, 2009. It is due to the above reasons that Mr. Maweu requested for extension of 30 days. From the record, it is apparent that the respondent has sworn an affidavit in favour of the application. After carefully considering the application and the reasons given herein, I hereby grant the same in terms of prayer No.2.

Costs in the cause.

**MUGA APONDI**

**JUDGE**

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

Mr.Maweu.....for Applicant  
.....for Respondent

**MUGA APONDI**

**JUDGE**

**16<sup>th</sup> October, 2009**