



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI COMMERCIAL COURTS)**

Miscellaneous Application 985 of 2009

IN THE MATTER OF NJOWABU LIMITED

AND

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

AND

**IN THE MATTER OF AN APPLICATION FOR EXTENSION OF TIME FOR REGISTRATION
OF FURTHER CHARGE BY THE REGISTRAR OF COMPANIES**

R U L I N G

The application has been brought through Notice of Motion application under section 102 of the Companies Act, Chapter 486 of the Laws of Kenya, Rule 8(b) of the Companies (High Court) Rules. The applicant's counsel prayed for extension of time for registration of the Further Charge dated 14th September, 2009. The application was premised on the following grounds.

- 1. The omission to register the further Charge within forty two days of its creation was due to inadvertence.**
- 2. On being lodged for registration at the Lands Registry on 2nd October, 2009 the Further Charge was rejected thereby necessitating a rebooking.**
- 3. The Further charge was again longed for registration on 19th October, 2009 and was endorsed on the same day. However, it was misplaced and/or could not be traced at the registry until 5th November 2009 when it was found.**
- 4. The Omission to deliver the Further Charge to the Registrar of Companies for registration within the requisite period was not intentional.**

5. It is in the interest of justice that the time for registration at the Companies Registry is extended.

During the hearing of the application, Mr. Waweru for the applicant submitted that he was seeking an extension to register a charge under Section 102 of the Companies Act. Further to the above he also submitted that a further charge was created on 14th September, 2009 and lodged for registration at the Lands Office on 2nd October, 2009. However, the same was rejected by the Registrar which necessitated the re-submission of the further charge on 19th October, 2009. The same was only registered on 5th November, 2009 which was beyond the 42 days required for registration. After carefully considering the application together with the annexures, I hereby direct that the time for registration of the further charge dated 14th September, 2009 be extended by a period of 30 days from today. The court notes that the same will be in conformity with Section 102 of the Companies Act, Cap 486, Laws of Kenya. In addition to the above, the court notes that the order will not prejudice any of the parties.

MUGA APONDI

JUDGE

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

.....Applicant's Counsel

MUGA APONDI

JUDGE

27TH NOVEMBER 2009