

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Civil Case 967 of 2005

MARTHA WANGARI KINUTHIA.....PLAINTIFF

VERSUS

KENYA FARMERS BANK LTD.....DEFENDANT

R U L I N G

The applicant was employed by the defendant performing managerial duties and while on employment she was assigned and performed duties of the General Manager in an acting capacity but she was never remunerated. On 11th December 2002 she was appointed Acting General Manager but she continued drawing her normal salary and not the salary assigned to the post to which she had been appointed to act.

On 30th June 2004 she filed this suit against the defendant claiming a sum of Sh. 17,695,000/=. But while this suit was pending in court, the Defendant was struck off the register of companies.

She has now brought this notice of motion under provisions of Section 339(b) of the Companies Act Cap 486, Laws of Kenya for orders that the defendant be restored to the register for the purpose of prosecuting the suit. The application is based on the grounds as stated on the body of the notice of motion and supported by an affidavit sworn by Charles Alenga Khamala, counsel for the applicant.

The defendant company having been struck off the register during the pendency of this suit the law requires that the plaintiff do apply for order that the company be restored to the register to enable the Plaintiff prosecute and complete her suit.

Accordingly the plaintiff's application is allowed in terms of prayers 1, 2 and 3 of the Notice of Motion dated 11th October 2007.

Dated and delivered at Nairobi this 16th day of May 2008.

J. L. A. OSIEMO

JUDGE