

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI MILIMANI LAW COURT

WINDING UP CAUSE 20 OF 2005

IN THE MATTER OF BUSTRACK LIMITED

AND

IN THE MATTER COMPANIES ACT

J U D G M E N T

The petitioner BP KENYA LIMITED has petitioned this court for the winding up of the BUSTRACK LIMITED on the basis that the company is insolvent and unable to pay its debts.

Bustrack Limited, hereinafter called the respondent, has its registered office in Nairobi. The object for which it was established are, inter alia to own and operate buses as a transporter.

It is averred in the petition that the respondent owes the petitioner kshs 73, 197, 106/- being money due and owing from the company to the petitioner for supply of fuel and fuel products pursuant to an agreement dated 12th August 2003. That the respondent has admitted owing the petitioner the aforesaid money more particularly in a constitutional reference Misc. HCCC No. 413 of 2005 [O.S]. That the respondent is accordingly insolvent and unable to pay its debts. The petitioner therefore prays that the respondent be wound up on the basis that it is just and equitable.

The respondent, though served with the petition and the verifying affidavit did not file an affidavit in opposition within 7 days (Rule 31 The Companies (Winding up) Rules) nor at all. The petition therefore as it stands is unopposed. The petition was supported by Aquara Agencies Ltd, Vulcan Mechanical Engineers Ltd and David Engineering Ltd.

The court having considered the petition hereof and the counsel's submissions finds that on a balance of probability the petitioner has proved its case and that accordingly it is in the opinion of the court that it is just and equitable that the company/respondent be wound up.

The judgement of this court is: -

- (1) That BUSTRACK LIMITED be and is hereby wound up under the provisions of the Companies Act.**
- (2) That the costs of the petitioner be paid by the company BUSTRACK LIMITED.**

MARY KASANGO

JUDGE

Dated and delivered this 9th day of March 2006.

MARY KASANGO

JUDGE