



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Misc Appli 261 of 2006**

IN THE MATTER OF GOLDEN GRAINS LIMITED

AND

IN THE MATTER OF THE COMPANIES ACT, CAP 486

AND

**IN THE MATTER OF AN APPLICATION UNDER SECTION 339 TO RESTORE NAME OF
COMPANY TO THE REGISTRAR**

R U L I N G

The petitioner, a member of Golden Grain Limited has moved this court under Section 33a of The Companies Act [Cap 486].

Golden Grain Limited (the Company) was incorporated on 24th February 1986 under The Companies Act. That the said company has been doing business as per its objective since its incorporation and so continues.

That the company is the registered owner of the property L.R. No. 20 a/21495. Upon that property the company has installed and erected machinery plant, equipment and other fixtures to operate its business. That there had been failure to file annual returns which was due to oversight.

That the Registrar of Companies vide Gazette notice No. 618 dated 12th January 2006 duly struck off and dissolved the company. That prior to that striking out the company had never been served with notice to so strike.

The petition stated that having invested substantially in the company he stood to suffer if the company is not restored on the register.

The Registrar of Companies was served but he did not attend the hearing of the petition.

The court finds that the petitioners prayers to restore the company's name on the register to be merited, but since the petitioner did not exonerate himself from failure to file returns costs will not be awarded.

The orders of the court are:

- (i) That the name GOLDEN GRAIN LIMITED be restored to the Register of Companies in Kenya.**

(ii) That such restoration on the register of GOLDEN GRAIN Ltd be advertised in Kenya Gazette at the costs of the company

(iii) There shall be no order as to costs.

MARY KASANGO

JUDGE

Dated and delivered this 21st day of June 2006.

MARY KASANGO

JUDGE